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Herrin Massacre Investigation Proceedings, 0001-0100

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Herrin Massacre Investigation Proceedings, 0001-0100

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Comments

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**COMMITTEE
ON
INVESTIGATION
HERRIN MASSACRE
ABSTRACT**

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Allen, F.M.	250	Sadler, Wm.	140
Bagley, Nellie	264	Schaffer, John	66
Binkley, Earl	98	Schaffer, John	73
Black, Carlos E.	1	Schaffer, "ohn	184
Bonn, Moses	76	Shaffner, C.T.	168
Bracey, B.F.	169	Shand, M.J.	211
Brown, L.R.	174	Slater, Herman	125
Brown, W.J.	129	Small, Len	280
Cairns, Wm.	194	Smith, Monroe	143
Cor, H.L.	126	Sneed, W.J.	254
Davis, Robert M.	34	Steber, A.L.	177
Davine, J.F.	260	Steber, M. Myrtle	173
Duty, Dales	23	Stemm, S.D.	59
Duty, Dales	65	Sutton, G.D.	275
Darlington, O.R.	151	Swanson, W.H.	253
Freiss, Thomas	128	Taylor, F.L.	206
Graham, Mand	215	Thaxton, Melvin	45
Hamilton, C.F.	170	Thaxton, Melvin	62
Hartwell, D.T.	83	Thaxton, Melvin	179
Harrin, Robert	134	Thomson, W.A.	101
Harrin, Robert	274	Tracey, Robert	180
Holmes, Oland	90	Trigg, S.O.	214
Howell, Harry	132	Turner, G.J.	152
Hughes, Fox	144	Vinson, George	107
Hughes, Fox	205	Warner, W.H.	92
Hunter, S.M.	217	Williams, Ed	204
Jeffries, M.E.	260		
Jones, Jacob	137		
Kelly, F.W.	254		
Lawrence, Odie	193		
McLaren, A.B.	104		
Mitchell, M.B.	110		
Morgan, Ed	124		
Mosely, A.A.	114		
Mold, Andrew	175		
O'Rourke, B.J.	186		
Paisley, Olahan	116		
Ream, Martha L.	256		
Rulley, Iva H.	178		
Richardson, A.F.	70		
Sidman, Willard	113		

Page 13. Charles E. Black called as a witness, having been first duly sworn, examined and testified as follows, by Chairman McCarthy:

My name is Charles E. Black. I am Adjutant General of the state of Illinois and have held that position since February 7, 1922.

Page 14. About a week previous to the 21st of June, 1922, I had been out to Camp Grant attending the school for non-commissioned officers, which closed Thursday or Friday. I then proceeded to Chicago and on Saturday to Camp Logan to look after some equipment there for the camp. When I returned to the office for business Monday morning, I was informed by those in the office that there had been a notice in the newspaper that there was some trouble expected down at Herrin and that Colonel Hunter had tried to get me at Camp Logan and had missed me, and he had tried to get me at Waukegan and couldn't get me there because I had just boarded a train and come on to Chicago, but it was reported that there had been a newspaper notice that there was some anticipated trouble at Herrin and that he had proceeded down there. He (Hunter) was on duty in the office as a personnel officer and he was to investigate laxity of officers, either civil or military, and he had just succeeded General Wells whose duty it was to look after ^{the} civil

Page 15. authorities and where there was any trouble.

I have as assistants in the Springfield office Assistant Adjutant Colonel Shand; Assistant Quartermaster Colonel Tripp; Personnel Officer Colonel Hunter; Chief Clerk Colonel Taylor. Colonel Shand was on vacation at this time and Colonel Tripp on duty at Camp Grant, which left Colonel Hunter in charge of the Springfield office along with Colonel Taylor.

About eleven o'clock on the morning of the 19th, I got a telephone call from Colonel Hunter advising me that the Southern Illinois Coal Company was operating a mine with non-union miners in the vicinity of Herrin, and that there was bitter feeling as a result of this and he thought this ~~matter~~ might cause trouble, recommending that two companies be held in readiness for any emergency that might arise. I instructed him to advise the Sheriff that he should maintain order down there and to make further investigations and report to me later in the day, which he did. He reported to me at about six o'clock that night. As soon as I got his report, I conferred with Colonel Tripp, who had previously been the commanding officer of the regiment which was stationed in that locality.

and instead of two companies it was decided if there were any ordered out at all, there should be three, one at Salem, one at Mt. Vernon, and one at Cairo.

As I said before, I got a report from Colonel Hunter about six o'clock that night and he advised me that the Sheriff had not sworn in any deputies and he did not anticipate the use of troops at that time and everything seemed to be quieting down and I instructed him to keep me advised and to stay on the job, and if at any time troops were necessary to let me know. I did not get any report then on the situation until about 7:35 P.M. on Tuesday,

Page 16. June 20th.

Colonel Hunter felt that there was a bad feeling engendered. He based his facts that he thought there should be troops held in readiness because this mine was being operated by non-union miners.

You would not order troops mobilized for that.

Page 17. At that time he did not report any disorder, or that there would be any trouble, violence, or the use of fire arms.

Q. Will you give the committee what facts he stated to you as to why troops would not be necessary at that time. (second report).

A. Because the general tone seemed to be quieting down. That is as near as I can remember, but the reason was that I did not follow up the idea of following up the troop order because things seemed to be quieting down and it bore out the next day, because there was no report during Tuesday up until 7:35 P.M. on the 20th.

He further said that the Sheriff had not put on any additional deputies and that there was seemingly no further demand for troops or thought of them because they were not requested.

Page 18. On Tuesday at 7:35 I got a report from him stating that things were adjusting themselves there, and that the anticipated feeling that he had had on his first report that there might be some trouble seemed to be dying down and that was verified just this way; That ~~the~~ it was evidently true because of the fact that he did not see fit to report during that day, only making the one report at the end of the day. That was all he reported on Tuesday; further that he felt there was no cause for alarm, that the citizens were co-operating. I believe that there had been some citizens movement.

in the afternoon. He advised me of the organization of a citizens committee and the purpose for which it was organized was to co-operate with these officials, and if I am not mistaken he was at one of these meetings, at luncheon that day and it was ^{his} believed that this co-operation would be conducive of the desired results. About three o'clock in the afternoon I got a call from him in which he stated he had received some reports of trouble over at the mine, and that he had got in touch with the Sheriff's office and had advised the Sheriff of this trouble and suggested to the Sheriff that he go out and investigate these reports. At this time he expressed to me the belief Page 19, that the Sheriff could handle any situation. At that time I don't recall him saying anything about deputies any more than that the Sheriff, so far as he knew, was functioning and taking care of the situation.

Later on in the afternoon I got a call from a Mr. Lester who, at that time was in Chicago, and I believe he told me that he was calling from the Great Northern Hotel. I am not, however, sure of that and he told me that there had been some trouble at the mine. I do not know what time this call was. It was after this 3 o'clock call.

At 4:42 that afternoon, in response to this information that I got from Mr. Lester, I called the Commanding Officers of each of the three companies. That is, the one located at Mt. Vernon and the one at Salem and the one at Cairo, and I advised them to have their telephone lists ready and be ready for a call. The reason I done that was because I felt if this report was true that Colonel Hunter would, sooner or later, find this out and report to me and I would have just that much done so that these troops could be mobilized that much quicker, if the regimental commanders could have their lists already.

I did not receive any reports from Colonel Hunter until about 6:30 then that evening in which he told me that there had been some sort of demonstration out at the mine and that he had been successful in arranging a truce with them and that everything was settled satisfactorily; that there was no cause for apprehension any more. At that time I advised him that I had notified the three company commanders there and he said that there was no reason for any more apprehension because this truce had been arranged. At that time I told him to keep on the job and call me back later on in the evening and report. He did call me back about 11 o'clock that night and verified the previous statement that he had made that everything was quiet and that was

the last report then that I received from him previous to the actual happening.

Page 20. At 6 o'clock that night he reported to me that there had been some disturbance at the mine. As I recall he said there had been a mob that had done some firing. Then he told me there had been two union men killed. I think one of them was Henderson. He also told me he had arranged this truce and he felt that everything would be all right. I do not recall whether he reported to me the parties he had arranged the truce with or not, except it was between opposing factions. He further said that they put up a white flag and that there was no further cause. He told me a truce had been perfected which was the result of

Page 21a conference he had with different people. I don't remember whether he reported at any time that the contending factions had met and arranged the truce; I recall he said he had arranged it. My impression was that everything had been settled satisfactorily.

At 11 o'clock he reported to me that everything was quiet and confirmed his previous conversation. He did not report to me that the stores had been broken into and arms procured. I never had any knowledge that the miners about the mine had broken into the stores and procured arms or that they were Page 22arming at that time; neither did I know of any shooting. I have no information on that at all. He did report to me that the guards were armed and, as I recall a detail of that, that they were out on a road. As I recall, I had no information at that time of any trouble near the Williamson County line in regard to some non-union miners who were being brought over from Carbondale.

At 11 o'clock at night, June 21st, was the last communication I had and on arriving at the office the next morning, I was advised that there had been some shooting and some casualties down at the mine. At 9:30 I put in a call for Colonel Hunter and I talked to him at 10:20 and I advised him with reference to what I had heard and he expressed surprise that he had not heard that and I told him to go out and investigate and report back to me. I received no report and at 11 o'clock I put in a call for him again and I did not get him until 11:35. I believe the record shows all that, and he verified the report that I had given him that morning that there had been this massacre down there and that there had been a number of people killed and a number wounded.

Page 23. I am slightly acquainted with the geography of Williamson County. I never was in Marion; do not know the distance from Marion to the place where this massacre occurred. My route was from Carbondale to Herrin and out to the mine and then over to Johnston City. Salem is in the adjoining county,

Mt. Vernon is on the C & E.I. north and the south is Cairo, which is on the Illinois Central. Do not know how far Cairo is from Herrin; Mt. Vernon is approximately 30 miles.

In the event of troops Colonel Hunter would first have communicated with me and upon my order with authority of the Governor, those troops would have been sent out. His (Hunter's) duty would be to advise me of the necessity of troops and if they were required to tell me that they were required. Had he made a request for troops at that time I would have sent them down there, by the first train without any further investigation. During the two or three days preceding the trouble, I received no reports from anybody in Herrin or Williamson County.

At 6 o'clock on the night of the 21st I had just gotten through my conversation with Colonel Hunter, at about 6:30 and Colonel Shand called me up. He said he had gotten a report from the Herald Examiner or, rather, a telephone call from some one of the reporters stating that he understood there was some trouble at Herrin and wanted to know if any troops had been sent out. Colonel Shand said he had no knowledge of any being sent out, and he called me up just as I hung up the receiver from the conversation with Colonel Hunter and told me about this and Colonel Hunter said everything was quite there.

Page 26. Major Davis, who is in command of the Headquarters Company at Carbondale accompanied Colonel Hunter over there on Sunday, but I believe that he returned on Monday. He went over at the personal request of Colonel Hunter and signed Colonel Hunter's report. Hunter's written report was received in the office July 6th, which was also the first report I had from Major Davis regarding what had happened. I have talked with Major Davis on other propositions, because you see on the 23d we mobilized the 130th infantry and I do not recall that I ever talked to Major Davis about that report there. I had conversations of a military nature regarding the anticipated movement of troops there. The only other man in my department who reported on this matter to me was Colonel Shand, which was with reference to Page 26, the conversation he had with the newspaper man. Colonel Taylor did not report to me.

Q. If you had received a report that there had been persons killed there, that is, on the 22d, I believe that was, what would you then do with reference to avoiding any further trouble.

A. I might say that on the night previous to the trouble, when I heard about this truce being arranged, it looked to me like a proposition not so much for the military as it was for someone who new conditions, and I got permission and sent Mr. Medill down there.

Mr. Medill is Superintendent of Mines and Minerals and is my equal and not inferior officer. He left at about 2 O'clock on that traction here for St. Louis, as I recall, on the day that it happened. I do not know when he got to Herrin. He went directly there and I advised Colonel Hunter to get in touch with him and get his opinion of conditions there, and they both agreed there would be no reason for sending troops in.

Page 27

Mr. Wadill did not get down there until after the massacre occurred. After Colonel Hunter had verified this report I told him to get in touch with Mr. Wadill and advise what action should be taken in sending troops in there. We had these troops ready and they were both of the opinion that troops should not be sent in at that time. Subsequent to that, on the strength of sending troops in there and a Military Committee headed by General Foreman, and composed of Colonel Swanson, Colonel Allen, Colonel Richmond, Major Hend and Major Dolan. I appointed that Committee and their purpose was to go down there and investigate the conditions. We were holding the 107th Infantry at Chicago and the 130th Infantry and Machine Corp of the 131st Infantry. They left on the night of the 23rd and reached there on the morning of the 24th, if I am not mistaken and made their investigation on the forenoon of Saturday, June 24th. The report was made at 1:45 A.M. by General Foreman. I did not receive a written report.

Page 28

I have in writing what purports to be a transcript of the conversation with General Foreman.

There was never, at any time a request for troops sent to me.

Continued by Mr. Lyon.

The first indication I had of the massacre at Marion was when I came to the office on the morning of the massacre, June 25th. I received my information from either Colonel Shand or Colonel Taylor. I do not know where Colonel Shand or Colonel Taylor received their information and there is no official record in my office to show where that report came from. The substance of the verbal report was that there had been some people killed at Marion. After receiving this information I called up Colonel Hunter over the telephone and he said he did not know it, that there had been anyone killed. I talked with him at 10:20 the first time. Here is the report I received from Colonel Hunter on June 5th. I had a conversation with him at 10:20 and 11:30. In this report he said he went to the mine at 8:30 in the morning. The massacre occurred between five and six. The massacre occurred between the mine and Marion.

Page 30

Q. As I understand it, when you talked with Colonel Hunter at 10:20 he told you he had been to the mine at 8:30 and he had gone back to Marion and at that time he did not know there had been any massacre at that time.

A. Yes sir.

The report does not show that. It indicates that he talked to me at 10:30 and does not refer to any conversation at 10:20.

Q. He said that at 11:15 he told you about everything that had happened at the mine.

A. Yes sir.

Q. He does not say that he had no knowledge. He said he went out there and tried to protect the property: is that in it?

A. Yes sir.

Q. At 11:15 he says that he talked with you over long distance telephone giving you what information he had of the matter.

A. Yes sir.

The information he gave me at 11:15 is the information that precedes that part of the statement where he says he talked with me at 11:15.

Q. Did you know the continuity of the report?

A. Yes.

Well, that is where I cannot account for it.

Page 31

Q. He said, "We could not locate the Sheriff until about 8:30 A.M. We then accompanied him with one Deputy Sheriff to the mine. On arriving there we encountered a large crowd, between 1200 and 1500 men. We were informed that at about 5:30 or 6:00 the white flag at the mine was taken down. Immediately, however, it was put up again. At this point we were advised that the mob was excited to immediate action by the arrival of recruits from surrounding towns and it was also decided to ask the non-union workers to surrender and lay down their tools and arms. The Union Miners then called on the non-union miners and they surrendered without resistance; this they did with assurance that the terms of the truce would be carried out."

A. I think that would fit in much better after this: "On making inquiry of the people we learned that the massacre had occurred."

I never asked him to change this report. This report has been on file in my office all this time. I never objected to it. So far as I know it represents the facts as I stated them. I know certain facts to be different. I know I had a talk with him at 10:20. I never requested him to change this report at any time.

I am sure no troops were asked for and I was not requested to send troops down. I did not tell Hunter that I would not send troops unless the local authorities requested them. He makes that statement in this report.

Mr. Lester informed me there was trouble at Herrin and he thought troops ought to be sent there. He [Lester] called me between three and 4:15 on the afternoon of the 21st, the day before the massacre. At that time I had three companies mobilized and all were within easy access of this place. Lester told me there had been trouble at the mine, but that no men had been killed. Lester is hard to understand over the telephone and was excited. I knew two union men had been killed the day before, but Lester did not talk about that. I made no notation as to what Lester did talk about. I think Lester called Hunter the same day. I think that was the day when Henderson and that other fellow were killed. I do not recall whether Lester or Hunter informed me two union men had been killed. Hunter did not report to me that the non-union men had attacked.

On Wednesday, June 21st at about 1:25 P.M. Hunter called me over long distance but did not at that time tell me of the attack on the truck. That part of his report is incorrect. I did complain to Hunter verbally, that this report was not right. I have no authority to change his report.

Q. He said, "And talked with you at 1:57 P.M. advising you of the reported attack on this truck carrying a number of non-union men of the Southern Illinois Coal Company, also advised you of the organization of the Citizens."

A. That is what he advised me about.

He did not in the meantime say he had received information that the Herrin Supply House had been visited by the miners and a few guns and between 2000 and 3000 rounds of ammunition taken. Neither did he give any information as to the miners visiting Turner's Hardware Store at which 1500 pounds of ammunition was taken, nor Bracey's Hardware Store where approximately 100 rounds of ammunition was taken.

-4-

I have never filed any charges against this man Hunter. I have reported him to the Governor and asked his discharge for making this incorrect report. Hunter still holds the same position.

Q. "You inquired if he had given Sheriff Thaxton this information and he told you that he had not as the Sheriff was out of the city but would communicate it to the deputies and ask him to make an investigation and if necessary go to Herrin and ascertain the facts in the case and use his best efforts to suppress any disturbance and to disperse any large crowds of miners and prevent the formation of a mob."

Did he tell you the Sheriff was out of the city?

A. No he did not.

Q. "At 3:20 P.M. Supt. C. E. McDowell called me on the telephone informing me that a crowd of miners had marched on his mine and in his opinion approximately 500 shots had been exchanged. Mr. McDowell then stated he had been trying to communicate with Sheriff Thaxton for the purpose of making a request for protection, further advising me that he was unable to get in touch with the Sheriff and requested me to do so. I immediately got in touch with the Sheriff's office and was advised that the Sheriff had not returned. I then instructed Deputy S. Storme to call on all available deputy sheriffs and proceed to the mine to disperse the mob which had formed there and to maintain order until the sheriff returned, suggesting to him that it would be well for the sheriff to request the Governor for troops immediately."

A. That is in the report. "I then communicated this information to you advising you of the situation and that the sheriff could not be located and informed you of Mr. McDowell's request for troops." On that date Colonel Shand, Colonel Tripp, Colonel Taylor and myself were all in my office working on an encampment order. They were present at that time when this telephone call came in. I took the telephone call because it was on my own telephone and there was no report made of that at all. A man would have been inhuman if he could have turned around and started in on his work again after he knew there was a request for troops. There were those three gentlemen sitting there in the afternoon and I think if you still call them they will give you the

Page 37

one side of the telephone conversation.

They will tell you that they heard me ask if he [Hunter] thought the Sheriff could handle the situation. At that time I asked him [Hunter] if in his opinion he thought the Sheriff could handle the situation. I also told him to keep after the sheriff and keep on the job or words to the effect. That was at 5:00 on the afternoon of June 21st. He [Hunter] expressed to me at that time he believed the sheriff could handle the situation. I do not remember exactly what time Lester

Page 38

called but immediately after I put in a call for these troops, to have the telephone lists ready waiting for the call, if this report was verified by Colonel Hunter." I told the troops to get ready for a call if Lester called because I did not have any information from Hunter. What he [Hunter] told me satisfied me that everything was alright. I do not recall Lester telling me that two Union men had been shot. He [Lester] is very excitable, but I did get, by questioning him, what he had on his mind. I did not in the presence of these witnesses mentioned say to Hunter that I could not send troops out unless the civil authorities requested them.

Page 39

The law with regard to troops being called out is that whenever there is a mob threatened or if the Governor can call out the troops. Nothing that Hunter told me over the telephone in any way intimated to me that there was a mob there or any violence threatened or riot about to be held. So far as I understood everything was going along harmoniously there and that the sheriff could handle the situation. I had no information regarding the truck load of non-Union men being attacked, nor of ammunition being taken nor of any violence. You can call this report a complete tissue of lies. It is not a correct report.

Page 40

I have in my office on record this report filed by Robert A. Davis. Davis was with Hunter on Monday and did not return until the night preceding the massacre. Davis was in Marion at the time the massacre occurred Thursday. The first time I learned that Lester called Hunter at Marion and requested him to send troops to the aid was when I read this report.

Page 41

I do not know that Lester was advised to call on the Governor and get in touch with him to send troops. I am positive Hunter told me troops could not be called out unless civil authorities requested it. I have never informed Hunter that this report is incorrect. I have no communication in my office as a matter of record to indicate where this report is incorrect. I never received telegrams from Lester, nor any company concerning this situation, neither was any paper or telegram turned over to the Governor before it happened. I know I talked with the Governor right after I talked with Colonel Hunter in the afternoon before it happened and again after I had the conversation with Colonel Hunter at 11:00; also after my conversation with Colonel Hunter at 6:00 or 7:00.

Page 42

Page 42 Q. And was anything said as to whether troops should be sent?

A. We had talked about it but conditions did not warrant it, the only report we had was from Lester and that was not verified by Col. Hunter's report at 6:30. It was verified there had been trouble and all trouble was over.

At 6:30 Hunter told me all trouble was over and a truce had been arranged. It says there: "At 6:17 P.M. I put in a call for you and talked with you at 6:45 P.M. advising you of the truce. Also advising that the firing had practically ceased as McDowell had advised me that there was hardly any firing except an occasional shot which he thought was fired in the air. You expressed satisfaction that the truce had been arranged and inquired if Major Davis was with me. I informed you that he was in Garbondale but would return to Marion on the 9 o'clock train that evening, Wednesday." That information did not suggest to me there was any reason for troops down there. It means there was no cause for apprehension. He was successful in preventing any further trouble. It does not necessarily mean there had been a battle.

Page 43 The killing of two of these union men did not convince me there was a battle. He said two men were killed, but even then he said that a truce had been arranged and that the feeling had quieted. I did not see anything in that to call for any action on my part. That part of the report is correct. Various parts of the report are correct; I cannot pick them all out.

Q. Did Hunter ever tell you the Sheriff did not do his duty down there?

A. In his first report he told what might be some apprehension on that score, when he reported at 11 o'clock on Monday.

No, he did not say the Sheriff was not doing his duty. He said he was afraid he might not do his duty if the occasion came up. I remember him telling me that and that part of the report is correct; he advised me of that situation.

Page 44 Q. Just what sort of a situation do you require before you think it is necessary to send troops into any place.

A. You have to have some evidence there is going to be some trouble.

or that trouble is going to occur. From what Lester told me and from these telephone conversations I had with Hunter I was never of the opinion there was such a situation there that would call for the sending of troops into that zone, or I would have sent them as evidenced by other places that I sent them. Monday morning when I came to the office was the first time I heard of any trouble at Herrin. Col. Taylor told me about it. He told me that they had read something in the paper that morning and that Hunter went down to investigate it. They read it in the paper dated Saturday morning the 17th. Col. Taylor did not tell me at that time it looked like there was going to be a lot of trouble down there and I do not recall the conversation wherein he told me that State's Attorney Duty had so told Col. Hunter on Saturday the 17th.

Page 45

Q. "On Saturday, June 17th, I talked with State's Attorney Delos L. Duty of Marion, Illinois, relative to reported disorders at the above captioned mine and was informed by Mr. Duty that the situation was not at all favorable, and in his opinion there was some likelihood of trouble in that mine." That is part of the report, isn't it?

A. Yes sir.

When I got back here Monday morning Col. Taylor took it up with me and also told me about the newspaper story. He did not say anything about Hunter having talked with the State's Attorney. I would say in one way Taylor would be over Hunter and Hunter over Taylor as far as his personnel work is concerned. When I leave the office Taylor would be superior so far as personnel work is concerned, but if it came to a disturbance like this it would be Col. Hunter. I never heard the day the State's Attorney advised them down there before I read it in this report. I have no way of knowing whether that part is correct or not.

Q. This is in Hunter's report, isn't it, "Mr. Duty, the State's Attorney, said he would not call for troops under any circumstances"?

A. That is in the report.

Page 46

I do not recall Hunter talking to me about that before he filed his report. I say now that I never told Hunter that troops could not be sent down there unless the civil authorities asked for them. I do not know of any form of punishment or penalty in my department for

an officer who makes an untruthful report. I gave the report enough thought to take it up with the Governor, telling him there were some features in the report that were untruthful. I did not tell him which features they were so that the Governor does not know which part is true and which is untrue.

I have talked with Senator Sneed but not about this report; I do not recall any conversation with Sneed during the month of June last year and I do not remember whether he was in the office before it occurred nor do I remember any telephone conversation with him before it occurred.

Page 47

The first I heard of the massacre was when I came in the office the next morning. It occurred about five or six o'clock in the morning and that morning when I came to the office I heard it. I got the information from Col. Shand or from Col. Taylor. I don't know whether the information came from Chicago or not. I should judge I came to the office about 8:15 or 8:30. I never objected to this being in the report; "Mr. Lester refused to close his mind but it had been closed for him and there was no more danger for any more trouble." Before the massacre occurred no telegrams passed between me and any other persons, neither were any telegrams referred to me from the Governor's office concerning this massacre.

Page 48

Examination by Mr. McCarthy.

Before troops are sent out by me I must get the consent of the Governor. The Governor at this time was on trial at Waukegan. I do not recall exactly when I talked with him about it. I recall vividly the conversation that I had with him that evening before it happened and again that night by telephone, reporting to him what Hunter had reported to me. I told him (the Governor) that Lester had called me up and I told the captains to have their companies ready for the call. I reported to the Governor practically all the facts as I had them from Col. Hunter, and I think the Governor told me that Lester called him that afternoon. The procedure in our office necessary to remove a man who has been delinquent in his duty is to issue an order for his discharge or dismissal. They are not under

Page 49

Civil Service. I would pass it on to the Governor. I have not made a complaint to the Governor regarding the report of Col. Hunter; I will say I had a conversation with him regarding this.

Q. I mean with reference to removal of an officer making a report that was incorrect.

A. The thing is that this would solve itself on the first of July. I have taken care of it in the budget.

Further Examination by Mr. Rice.

I did not say I made a complaint to the Governor about Hunter's report. I made a statement to him that there were some features in the report that were not satisfactory to me. That statement was made to the Governor along in October or November at the time this came up. The Governor lost his wife and he was not here for thirty days and then the camps came up in August and the strike was on and I did not have an opportunity to talk with him up until quite late in the fall.

Page 50

I do not recall the conversation with Col. Hunter wherein he reported that he had not been able to get in touch with the Sheriff. There was a time in the morning that he was not able to get hold of the Sheriff when he went out. The night before the deputies were on the job out at the mine to see that the trouble was not started. In one of my conversations with Hunter he said he had a report that there had been some trouble at the mine, which was in the 3 o'clock conversation. That was previous to the time I heard from Lester. At one o'clock in the afternoon and again at three he (Hunter) thought the Sheriff could handle the matter. I don't know whether up to that time he had seen the Sheriff at all. This statement wherein he said he thought the Sheriff could handle the matter would indicate he had an opportunity to see the Sheriff or his deputies. I never thought it advisable to keep him in as long as he was there until this had blown over. He (Hunter) advised me every day.

Page 51

There was one telephone conversation he has not listed at all, the one at 11 o'clock at night on the night preceding this occurrence.

Q. Now then it is true, General, that from what you had learned from Col. Hunter and from Mr. Lester, you did deem it advisable to take steps to have troops in readiness.

A. Not from what I had learned from Col. Hunter but from Mr. Lester. Col. Hunter said he heard there was trouble and naturally I assumed -- and I was right in assuming, that he was going to investigate that and then I got this word from Mr. Lester a little later on advising there had been some shooting there.

After receiving this information I had telephone calls put in to the three company commanders. I communicated this information to Col. Hunter in the next conversation at 6:30. I told him I had these troops in readiness. The hour at which I made arrangement to have these three companies in readiness was at 4:32 on the 21st, Wednesday, following my conversation with Lester and was previous to the time I talked with the Governor. I did not talk with the Governor until after I had heard from Col. Hunter at this so-called 6:30 call.

Page 52

Examination by Mr. Pierce.

Col. Hunter is the only one that went down there. I was absent from the office on ~~the~~^{day} at Camp Logan and this report came in and he (Hunter) went on his own volition.

Q. You have been asked as to whether or not you know the law with reference to the duty of somebody in case of riot or prospective riot to send or prepare to send or mobilize troops to go to the scene of such riot. Do you know of any law that requires you in the first instance to take any such action?

A. No.

Page 53

I would expect to hear from the Governor before I would start to send troops or instrumentalities into action. I can also hear from the Sheriff. I knew that Section 5, Chapter 38 of the Criminal Code, page 162 of Cahill's Revised Statute was in force at that time. The other sections of the statute that could start the military force in action is the section with reference to the duties of the Governor, that is, the Military Code. I believe if I know, and we have a representative

Page 54

there, and he should report that this is threatened, we could go in without the aid of the sheriff, we could go in without the consent of the sheriff or coroner or the like. It is my impression it is our duty to go in.

Q. Then if it is your duty to go in you would not have to consult the Governor, would you?

A. I believe I understand you. When I speak of myself I speak of acting as the Governor.

Page 55

As soon as I learned that there was possible disturbances or likely to be disturbances down there which might or might not have developed into a riot I communicated with the Governor. The information I got first was a report coming from somebody that they had seen something in the newspapers concerning some disturbance at Herrin and I communicated that fact to the Governor. After the first report, which was apprehensive to a certain extent, by following that it kept diminishing in seriousness, and not until immediately preceding this, say between three and six, did we know that anything of a serious nature was brewing. Col. Hunter went to Herrin on Saturday. That was before I saw the Governor. He (Hunter) had seen this in the paper and he went down there to investigate. I did not see the Governor until he came back from Waukegan until his trial was over. On Monday I communicated with the Governor's office informing him what I had learned from the newspapers. A letter was sent, but I have no record of it.

Q. Did you get your reply from the Governor in the way of a letter?

A. No sir. This was, as I recall it, simply a statement of what he had gotten from Col. Hunter over the phone when he reported at

Page 56

11 o'clock on Monday. I did not at that time tell the Governor that I had any report about what was or ought to be done.

Q. Do you think it would have been advisable or prudent on your part to have indicated to the Governor when you heard there was possible trouble and to have asked the Governor if he did not think it advisable to mobilize the troops?

A. Looking after it had occurred I would say Yes; but looking at the angle from that time I would have said No.

Q. Now General wouldn't it be a pretty good thing, knowing the temper of the people down there, for you as a cautionary matter to have suggested to the Governor then when you first learned the thing, that possibly the troops should have been called, perhaps either sent or gotten ready to send to prevent a repetition of some of the things that had occurred preceding the trouble.

A. And at that time it did not occur to me.

I felt at that time that I had some responsibility in the matter but as long as my representative down there felt that the civil authorities were able to handle the proposition I thought it was all right. As the head of these guards I communicated with Capt. Leslie R. Brown who lives at Mt. Vernon and who had a company there of between 60 or 65. I do not know how far that company was from this prospective riot, but it was one of the three nearest. The next company was at Salem, about the same size company and the other company was at Cairo. I tried to communicate with Capt. Mollackan, but he was not available so I communicated with Capt. Kalle, who lives at Salem. I told these commanders to get their address lists ready so that they could get after their men and have their supply sergeants get things ready. Full equipment was available in these various barracks with rifles and rounds of ammunition for the entire companies. This communication was carried on by telephone. These officers in response to my request accepted the order and hopped to it and expressed a willingness to go. I received no objections. At that time I did not get any communication from the Sheriff of Williamson county. Col. Hunter did not indicate, so far as his report is concerned that he had received any notification or request from the Sheriff to send troops in there.

Page 57

Page 58

As I recall I had telephone communications with the Governor each evening between Saturday the 17th and Wednesday the 21st of June, 1922. I just remember general talk which was that the situation did not warrant the sending of troops. I told the Governor that and he acted in accordance with my suggestion to him. On Monday I received

Page 60

two telephonic communications from Col. Hunter, one on Tuesday and three on Wednesday from which I gathered that the situation was not tense; that the local authorities seemed to be able to hold it in control and that there was no apparent danger of an outbreak that might result in shooting, which information I communicated to the Governor. The Governor did not say that the local authorities down there were friendly to him and that he did not want to interfere with them. Neither have I seen any communication to that effect or hinting along those lines. The Governor did not advise me that he had received any information concerning the situation there from anybody else from the 17th of June until the 21st. I did not advise Col. Hunter to communicate anything to the Governor with reference to any conversation or information he might obtain while in Herrin. Col. Hunter was expected to communicate such information as he might obtain to me. During that time I had no communication with the Sheriff at all. I did receive a communication from Lester on Wednesday between 3 and 4:20 at which time he appeared excited. He (Lester) indicated to me that possibly something might be doing there, but he was not on the ground; he was in Chicago. I received no information concerning conditions in Williamson county except from Col. Hunter.

Further Examination by Mr. Rice.

Page 61

In one of his communications Mr. Hunter informed me of a 'citizens' A. I would indicate that at the time I talked with him at 10:20 he did not say to me that he knew it and I directed him to go on and investigate and find out if the reports I heard were true, and he came back at 11:30 and talked with me and verified the report.

Col. Hunter was at Marion when he talked to me; in fact that was the only place I believe he talked from.

Examination by Mr. Lgoe.

Col. Hunter says in his report that he conferred with the Secretary of the Governor before he first went to Marion.

Page 60

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Further Examination by Mr. Rice.

Page 61

In one of his communications Mr. Hunter informed me of citizens' committee which organized to cooperate with the Sheriff. I do not know just what their duties were but he thought it would produce the desired results. That was on Wednesday in the one o'clock report that I heard of it. As long as the reports from down there showed that the citizens and the Sheriff were cooperating it did not indicate to me there was a necessity for outside interference. I took it that the interest that the citizens were taking indicated that the situation was getting quiet instead of riotous.

Page 62

Q. Did you also gather from the statement that there had been no deputies appointed by the Sheriff as indicating that he was not performing his duty or that it was not necessary?

A. That there was no need for doing that.

I took both of those facts, non-appointment of deputies and active interest of citizens as indicating a more peaceable attitude rather than more dangerous. I understood Section 7, regarding this question, to be the law, and it is that section I refer to as the Military Code that it would be my duty to send troops when the local authorities asked for them.

Q. Did you not consider General that although it is the duty of the Governor to make this order, was it not understood that you stood in his place to gather this information and really act upon the information as his representative.

A. No, I did gather the information and give it to him. Everything I do is by command of the Governor.

It would be my duty to gather these facts and then report to the Governor and act only upon his directions.

Page 65

Q. And these matters that you have testified to and which are shown here by the evidence in this case did not present to your mind sufficient necessity to present the matter to the Governor?

A. Not to present them but to recommend to him that troops were ordered.

Mr. Flagg.

General, do I understand from the evidence that you actually knew of the massacre Thursday morning prior to the time Col. Hunter knew of it?

A. I would indicate that at the time I talked with him at 10:20 he did not say to me that he knew it and I directed him to go on and investigate and find out if the reports I heard were true, and he came back at 11:30 and talked with me and verified the report.

Col. Hunter was at Marion when he talked to me; in fact that was the only place I believe he talked from.

Examination by Mr. Igou.

Col. Hunter says in his report that he conferred with the Secretary of the Governor before he first went to Marion.

Page 64 Q. He (Hunter) says that he tried to reach you at the "Salvation Army Hotel in Waukegan and was informed that you had left Waukegan at 1:20 P.M. Saturday, June 17th for Springfield, Illinois. I then communicated with Mr. George D. Sutton and it was decided that I had better proceed to Marion in view of the fact that the State's Attorney seemed to have some apprehension concerning the situation."

A. I was not there at that time. It may be that Mr. Sutton came into the Adjutant General's Office. About the communication I do not know.

Page 65 Lester did call me up.

Q. Let us assume he (Hunter) gave you in detail everything that occurred down there and let us assume those things Hunter told you and which you say he did not tell you are correct, do you think you should have ordered out troops?

A. If I had the information that stores had been broken into and that guns and ammunition had been secured and that men had been killed around the mine and non-union men had been attacked on the way to the mine I would have ordered troops, yes indeed.

Q. And if you had been told that the actual battle had occurred and that a truce had been declared and that men were resting on their arms on both lines of battle, would that have helped you to reach your decision?

A. It would if a report had not followed along that there was no apprehension that everything was quiet.

The report signed by Col. Hunter and Major Davis filed in my office July 6th, 1922 was read before this committee of the General Assembly. At that time I said that part of this report was untrue but I do not recall which it was now. I believe I made some remarks that I mentioned this to the Colonel, if it occurred then it would before. I did say also there was something else that I never told him that requests for troops had to be made by the Sheriff before the Governor could call out the troops. Those were the only two criticisms I made at the time.

Chairman McCarthy.

If those reports contained in Mr. Hunter's report had been given to you and the situation pictured to you as it is pictured from that report,

even though Mr. Hunter's judgment was that troops should not be sent, do you think that you would have permitted his judgment to override yours?
A. No sir.

I would have ordered troops then if I had full information of all of the things that are set forth in there.

Whereupon recess was taken until 2 P.M. April 26th, 1923.

Thursday, April 26, 1923. 2 o'clock P.M.

Page 58 Hearing Resumed pursuant to adjournment.

Delos L. Duty..

called as a witness before the Committee having been first duly sworn was examined by Chairman McCarthy and testified as follows:-

My name is Delos L. Duty. I have resided in Marion about thirteen years. I am at the present time State's Attorney in Williamson County and have been a practicing attorney here since 1914. I have been State's Attorney a little over 2 years.

Page 58 Q. On or about the 21st day of June, 1922 there was some trouble about Marion and Herrin and I wish you would state to the Committee all conferences that you had or all actions done or performed by you with reference to consulting with officers with reference to avoiding any trouble in this vicinity.

Page 59 A. Well, I might make a mistake. I might not be accurate as to time or anything. I believe it was on about Thursday, the 15th or 16th, along there, when I first learned there was a place out here known as the Southern Illinois Coal Company. I had one or two maybe three people come into my office and complain about some disturbances out there by armed guards or men bearing arms. I would be more accurate if I did say that was about the 16th. On Saturday, which would be about the 17th, I guess, the Sheriff and two deputy Sheriffs, Mr. Storme, who is now County Clerk, and Mr. John Schaffer, who was deputy sheriff at that time and myself went out to this mine. I had never been out before and did not know where the mine was located. We went out around a way that the Sheriff knew. Got to a place where the old public highway had been excavated across and we made a detour to the mine office, turning up or

to the mine property, which I learned at that time and afterwards learned it was the mine property, and there I saw a guard that got up off of the ground there and stopped us. He got on the running board, after some words between the guard and myself and went up to the office and I inquired of the Superintendent as to the highest officer and he told me a Mr. McDowell, who I had not seen and after we stayed there some time, Mr. McDowell came from the workings, what the miners called the pit, and we had some conversation with him.

A. Well, this guard stopped us and he wanted to know where we were going, and I asked him, "Who in the Hell wanted to know?" And he said he had to know and I told him to get on the running board of the car and he would find out. After I had this conversation with him and we went up to the office, I introduced him to the Sheriff and deputy sheriff. We told him we had had some complaints about things out there, and he finally told me that Mr. McDowell was Superintendent and he was highest officer and he would hunt him up, and we had some conversation with him.

At the time, I think, there was, as well as I remember, twenty or twenty-five men around there with rifles and pistols. I asked Mr.

Page 70

McDowell who was the President of that mine, if they were incorporated and several different questions in order to determine who they were, and he said a Mr. Lester of Chicago was the President of that concern and I asked him where he was and he said he was in Chicago. I asked him when he expected him down and he said he would be there on the following Sunday night. So we had some conversation with him and I think the Sheriff participated to some extent in the conversation about why the men were armed, about the complaints we had about them stopping farmers and neighbors around there in the vicinity, going to the wells getting water and in one instance about disturbing some old farmer's chicken roost out there and he said Mr. Lester would be down on the following Sunday night and I asked him if he would bring Mr. Lester to my office on the following Monday and he said he could and Mr. Lester would come to my office on Monday morning. And they were some other people there and I asked Mr. Lester about what his intentions were in running the mine, operating the mine under existing conditions,

told him that while I realized he had a lawful right to operate his property if he owned it, and had lawful possession of it, that I was born and raised in this county and I knew something more about the situation down here as far as unionism and organized labor was concerned, than he did, and I rather thought it was unsafe to operate his mine, perhaps not at the present, but sooner or later it would be, if he was loading and moving coal as I understood he was, and he said he was, and I told him in view of all the conditions, it would be inadvisable for him if he wanted to go ahead and strip his coal but that I did not think he would be safe in going ahead and mining and marketing the coal. Well, he said this, as near as I can remember what he said. At least that it in substance, that he had been in these enterprises before and he named, I believe three different places, as well as I can remember it, Kansas, Colorado and West Virginia where he had operated mines of like character, stripping propositions and that he knew what rights were and he was going to operate the mine. And I told him some few other things. I do not remember. I told him I thought sooner or later if he insisted in operating that thing, he would lose his property, all his investments and maybe his life if he stayed around on the job and on the property and he said he thought he knew his business and he would take his chances and if he could not operate his mine he thought he knew a way he could operate it. That is as I remember the substance of that conversation.

Page 71

There was also a conversation with Mr. Lester on Monday morning in my office. I think Col. Hunter was there and Mr. A. B. McLaren. Col. Hunter called him up from my office and he came over. I am not positive whether Major Davis was there but I remember a man being with Col. Hunter. At that time, nothing was said with reference to troops, neither by Mr. Lester or anybody else. I just had two conferences with Mr. Hunter on the evening of Wednesday, June 21st. It was at the noon hour about 12:15. The Sheriff called me up from the jail or I think he was at the jail and said he had heard of the shooting into a truck down here near the county line and that he would like

Page 72

for me to go down there with him because he did not know just which county it was in, whether in Williamson or Jackson county, and he had gotten word from some Jackson county authorities.

That was on Wednesday, June 21st at about 12:15. And I told the Sheriff that I was busy, which I was, and did not think it was necessary for me to go, but he insisted that I go along with him, but thought he might want my advice and we started down there. There was Mr. Tharion, his deputy, Mr. Schaffer and myself in the car. We went down to the place and found out that the Jackson County authorities had already been over there and took the wounded man in to Carbondale. Some of the men was in a car following this truck or piloting the truck, I do not remember just now, had turned back during the shooting and notified the authorities and they came. We went on to Carbondale, found the man had been taken to the hospital and I took the statements of all of these men and all that I could find.

There were three as well as I remember that had wounds that put them in bed. One man afterwards died. There was Sidney B. Morrison who was shot through the spine and his spine was broken and he was in a very serious condition and I thought was dying then. There are two other men. One man was shot in the arm with buck shot I thought and another man was shot with a rifle or pistol I believe just in one arm. The substance of their statements were that they were driving along in a truck and were just fired into, a fusillade of shots came into the truck from ambush. They did not see the people.

Page 73

We left Carbondale before dark and we found out, or the Sheriff found out this truck, when we got there, was gone and the Sheriff found out that the truck had been taken to Cartersville, about nine miles west of here. Coming back from Carbondale we left there, I should say, about 6 or 6:30. That is my best judgment. I might miss it thirty minutes. We came back by Cartersville and went to the village where this truck was and when we left Cartersville it was considerably after dark. I should say somewhere near 7:30 or 8 o'clock. It might have been a little bit after 8. We drove on to Marion and when we got down to the jail I got

out of the car, came along the south side of the square and my office was then located on the south side of the square. I think by the time I got up to the office it would be around 9:15. After I had been there some time there was a bunch of men came up and inquired for Colonel Hunter, if I knew where he was. As well as I remember it was Hugh Willis, Judge Bartwell, a carpenter who lives here in Marion by the name of Wilson Bond and the Sheriff, Melvin Thaxton, the deputy Sheriff Storme. I am not sure which ones came together except I know that Mr. Willis, Judge Bartwell, Thaxton, Storme and Bond were all up there and I believe came together. There was a man, so I have heard was up there by the name of Drebeck from Johnston City. He was a newspaper man, I think. He edited the Williamson County Miner. I do not recall ever seeing him there. I think, perhaps, he was there. I told him I had not seen Colonel Hunter since this conference but that he might be found over at the Greater Marion Association office and somebody, I think it was Mr. Willis, asked me to call over and see if Mr. Hunter was there, and I called and I should say that was about 9:30, and Colonel Hunter was there and I talked with him and told him there was some fellows wanted to see him and told him who it was, and he said he had a call in for Adjutant General Black and as soon as he got his call through he would be over. We did not have very many chairs and the fellows were sitting on the window ledge, and I

Page 74 was going on with some work I had on hand and we sat there for perhaps thirty minutes. I think Mr. Willis then asked me to call again and see if Mr. Hunter was there and what was the reason he did not come over and I did and Colonel Hunter told me he had not got his call through but he thought he would get it through right away and as soon as he finished his call he would be there, and I think we waited there about the same length of time, and I called for Colonel Hunter the third time for Mr. Willis and he said he had just finished his call and would be right over and he came over in less than five minutes from that time, and as I remember it, Colonel Hunter was alone. It might be that Major Davis was with him. I had never seen Major Davis before. He came up to the office and I remember some parts of his conversation. Not very long after he came up there, I should say that by the time he got there, it must have been after 11 o'clock, when I made this call. That is my judgment. He asked

me if he could use my telephone and I told him Yes he could, and he sat down at the typewriter desk and put in a call for Adjutant General Black and it was not very long until he got him. That is, I am judging from the conversation that he talked to Adjutant General Black. I know he called him General and wanted to make a report of the situation down here and I remember he told him that everything was quite under control and he wanted to advise that troops would not be needed, and in my judgment, that did not miss 11 o'clock. It was on the evening of Wednesday, the 21st. I remember Judge Hartwell being there, Sheriff Thaxton, John Schaffer, Mr. Storme and Colonel Hunter. This man Brobeck, I do not remember and Major Davis might have been there for all I know.

There was not any discussion among these men concerning the troop at the mine. They were looking for Colonel Hunter. These men had not discussed the situation with me at all.

Page 75

Up to the time that Colonel Hunter called General Black on the phone he had consulted with me. The first time Colonel Hunter came to my office was the Sunday before. I had not seen Colonel Hunter during the day on Wednesday and not for several days before but saw him Monday morning. I was present when he talked with Mr. Lester, the last conference I had with him. I never heard of any troops until after the thing was over and nobody had approached me with reference to that subject. Neither Mr. Hunter nor Major Datis talked with me after the conference Monday morning with reference to the situation in my county or what might happen unless troops were sent here. I had not seen either one of them from Monday until Wednesday night. Nobody had said anything to me about the sheriff needing in deputies. I did not hear of the Union miners being killed until the morning after it occurred, and did not know of any stores being robbed at the time.

Page 76

I did not know of any gathering or any happening that would lead me to believe there was any danger of any violence at any time, but I did think, as I told Mr. Lester, if he persisted in mining and shipping coal that it would lead to that sooner or later, but I had no idea it would happen as soon as it did or anywhere near that soon. I did not know anything about a meeting of miners on Tuesday evening.

Examination by Mr. Igoe.

I felt if Mr. Lester kept on operating this mine it would lead to trouble. I did not know he was keeping on operating the mine but he told me the last time I saw him he purposed to operate it. He did not request me to swear additional deputies.

Page 77

I think Mr. Lester and the Sheriff left my office together. I never heard Lester make a demand on the Sheriff for protection and the Sheriff never told me that he received a letter dated June 12, 1932, from Mr. Lester asking for protection. I did not hear before Thursday of anyone being shot at the mine and neither did I hear of any disorders at the mine between Monday and Thursday, but I had two or three complaints

about something the guards were supposed to have done out there. I had those complaints Sunday afternoon.

Page 78

The complaints came up in this way: Mr. Holmes, Mr. Brinkley and some young Greek claimed they had been pulled out of a car, beaten, hit and knocked around a little bit and they wanted warrants for these fellows. This they said occurred between two or 2:30 in the morning but they could not identify any of them or give me any names. I told them I could not give them warrants unless they could identify them and I refused to issue warrants. This was on Tuesday as I remember.

When I went out to the mine with the Sheriff I found 25 or 30 armed guards patrolling the property. Lester told me he was going to maintain those armed guards and I told him that it might lead to trouble and from that time on I made no further inquiry as to whether he was maintaining them or not.

Page 79

I was in Herrin on Thursday of that week after the trouble occurred. The sheriff never requested any advice from me as to whether or not troops should be called out. Neither did I ever tell the sheriff in the presence of Colonel Hunter or Major Davis I would not advise him to call troops out. I know of no meeting of miners held in Marion on Monday or Tuesday of that week but I heard of a meeting over near Herrin at a place called Sunnyside on Tuesday.

Page 80

I did not know of Senator Sneed addressing the Miners but I heard about the telegram coming from Lewis to Sneed. I do not remember what date it was. As I remember the substance of the telegram was that these steam shovel men were ostracized from the Union and should be treated as any other strike breakers. I do not believe I ever saw the paper that the telegram was published in. Mr. Middlekampff had the first copy I saw. I first information I had of any stores being broken into and ammunition taken out was on Thursday morning. I did not reach Marion until 9:30 Wednesday evening. I understood a store ten feet from my office was raided, one on the west side of the square and one on the north side. I understood that they got guns from a hardware store on South Main Street and a few pistols on North Market Street and some guns from a pawn shop. I do not know how many guns and ammunition was taken.

I understood mobs from 15 to 20 entered the stores. When I returned to Marion all the business offices and stores were closed.

Page 82

When the Sheriff and Mr. Willis and Judge Hartwell came up to my office the sheriff made no report relative to these raids. The sheriff had three deputies in Marion: Schaffer, Storms, and Richardson. Thaxton was the Sheriff. He appoints deputies at all of these mining towns. They are usually men that the coal companies ask and require the sheriff to appoint in order to take care of the mine's property. It is possible that Judge Hartwell came up to my office alone and after these other men came up. It seems Judge Hartwell and Mr. Willis came in together. I know of no reason why the sheriff and his deputies and these men should be in my office at that time of the night.

Page 83

I had been in my office one-half hour or so when the sheriff and his deputies came in and I believe it was Hugh Willis who wanted me to find Colonel Hunter. I called for Colonel Hunter over the telephone and nothing was said by any of these men regarding any trouble. When Colonel Hunter arrived I had some work to do of my own and did not hear all that was said. We were all in one room. After awhile Colonel Hunter asked me he could use my telephone and he put in a call for General Black. I remember no conversation in the office except Hunter's telephone call.

On our return from Carbondale the sheriff and myself and deputies stopped at Cartersville a town nine miles due west of Marion and north west of the strip mine. You do not pass the strip mine on the way to Cartersville to Marion.

Page 85

While at Cartersville I received no word about the trouble at the strip mine and neither did the sheriff so far as I know nor his deputies and neither did I subsequently find out that they received word. All I know of this body of men who were ambushed coming from Carbondale is that they were men who had been shipped from Chicago to be taken over by truck to the mine. They said they were going to the Lester mine. They said it was between 10:30 and 11:00 when they were attacked and the sheriff and I immediately went out there. We found the victims in the hospital at Carbondale.

Page 86

I told Hunter about the Carbondale trouble when he was up in my office that night and after he put in the call to General Black. Whether it was discussed before I do not know.

I heard about the truce when Colonel Hunter came up to my office and talked to Adjutant General Black. He (Hunter) said he had arranged for a truce between the men in the mine and the District Officials in Herrin. Hunter never said anything to me about the terms. That is the conversation when he told the Adjutant General that everything was satisfactory and that no troops would be needed. I do not remember (Hunter) telling Adjutant General Black that the men were to come out in the morning. I remember quite distinctly he (Hunter) said he did not need any troops. I do not remember all of Hunter's conversation.

Page 87

I do not remember Hunter saying that he and the sheriff would go out in the morning. Colonel Hunter never did tell me he had been at the mine because I never had any conversation with him after he came the first time. Then he was back on Monday and I never had any conversation then except a general conversation with all and Mr. Lester and Mr. McLaren and then Colonel Hunter never came to my office. Lester nor nobody else applied to me for protection and I do not know whether the sheriff ever swore in any additional deputies.

I cannot tell the exact dates when the armed guards were put on duty there but the evidence disclosed that the first guards arrived on the 15th of June. The armed guards had Marlin rifles and pistols, 30 or 45 caliber. I also saw some automatics and some Colt pistols or revolvers. I had never seen the Attorney General in my life and never had any communication with him except maybe an official opinion in one or two instances but not in regard to this matter, and it is not true that I told these young men, who applied to me for warrants, that he had advised me not to issue them.

Examination by Mr. Pierce.

Page 88

The shooting on the truck carrying guards from Carbondale was done in Williamson County, five or six men were wounded in that affair, one fatally. I was in possession of those facts on the evening of June 21st and I was in position of the facts that Colonel Hunter was from the

Adjutant General's office and had come here as an official for the purpose of inquiring into a situation that was considered to be tense.

Page 30

I knew what Colonel Hunter was here for. With that knowledge I was present and heard Colonel Hunter call the adjutant general over the telephone and tell him that everything was quiet and peaceful here in this county and no troops were necessary. Colonel Hunter said he knew of the trunk shooting when he talked about this true matter. I did not correct Colonel Hunter when he told the Adjutant General that everything was quiet in Williamson County and no troops were necessary. I did not attempt to communicate with the Adjutant General that the report was false.

Q. Did you know and did you not come from the scene of the murder that day?

A. I had come from this scene of shooting.

Q. Would you not call it murder or an attempt of murder?

A. No.

Page 31

I did not know his [Hunter's] report was false that he was reporting to the Adjutant General and he said everything was quiet and there was no necessity for troops.

Page 32

I told Lester that he did not think it was wise for him to operate a coal mine in Williamson County.

Page 33

Although he had a right to under the law.

The first I heard of the truce was up in my office when Colonel Hunter was talking with General Black.

On my return to the office on the night of the 21st I made no effort to ascertain conditions out at the strip mine.

Page 34

Neither do I know if the sheriff or any deputies ascertained or attempted to obtain that information. I did not remember that night that the telephone wires had been cut.

Mr. Healy—

Q. Is it true that Mr. Lester asked the sheriff in your presence to allow him to swear in these guards of his own as deputies?

A. Yes.

-5-

I believe after I told him (Lester) what was likely to occur he told the sheriff if he did not swear in these guards out there he would get protection elsewhere. I do not remember what the sheriff said but I said I would not do it.

That was during the conversation on Monday the 19th.

Examination by Mr. Igoo.

I have nothing to do with mine companies swearing in guards as deputy sheriffs, although that is done through this county.

Page 96

I did not hear Lester state he would put his guards under heavy bonds in an amount to be approved by the sheriff.

Those fellows that were down for Lester were not residents of this County. Swearing in of guards is a statutory matter. Balkovich, one of the men killed was from Pennsylvania. These guards were sent down through an employment Chicago agency.

Page 100

Witness Major W. Davis called as a witness before the Committee having been first duly sworn, also examined by Chairman McCarthy and testified as follows:

My name is Robert W. Davis. I reside in Carbondale, Illinois. My position is that of Newspaper man and has been so employed for about three years at Carbondale. I hold a Majorship in the National Guards and have since June 1922. Co. I, Salem, E. Cairo, L. St. Vernon and E. Paris, and battalion headquarters at Carbondale are under my jurisdiction.

Page 102

Cairo is 68 to 70 miles from Herrin. It takes 35 or 40 minutes to come up from Cairo, via Carbondale to Herrin. St. Vernon is 60 miles distance. They have to go on the L. & E. to Ashley, to the main line, and down on the main line to Carbondale over on this branch line. Salem is 50 miles distance. From Salem you would have to come across the L. & E. or I.C. and down to Carbondale.

102 Page

In case of emergency where we would not be able to get railroad or street car service between these towns mentioned trucks could be used.

Page 105

Trucks could have been provided for in the towns I have just mentioned.

I have known Colonel Hunter about seven or eight years. He is an official of the National Guard. I visited Marion and visited with Colonel

Hunter on or about the 17th or 18th of June, 1922. I received a wire from Colonel Hunter at Springfield, Illinois to meet him at noon on Sunday in uniform and to come to Marion with him. I met him on the noon train and we came over to Marion and went directly to see the sheriff and Colonel Hunter explained to the sheriff what he had been sent down for and to get as much information from him as he could, and asked the sheriff if he would take us out to the mines. The sheriff made some excuses, said that he had worked hard the day before and it was Sunday and he wanted to rest. He had a meeting of some sort at 8:00 o'clock the next morning. I went back to Carbondale Sunday afternoon, coming back over Monday morning for a conference they were to have with Mr. Lester, the sheriff and the States Attorney, which was had about 8:00 or 8:30 in the State's Attorney office, at which were present Mr. Lester, Sheriff Thornton, States Attorney Duty, Colonel Hunter and myself. The situation was discussed among them and with Mr. Lester particularly and the States Attorney tried to induce him not to operate his mine with non-union men and went on to explain to him the seriousness of the situation, and Mr. Lester informed him that he intended to operate the mine and that he would operate it: That if the civil authorities could not furnish him protection that he would call for protection from elsewhere. That is all I remember. I returned to Carbondale that evening and gave back Wednesday evening on a telephone call from Colonel Hunter arriving here about 8:30. I hunted Colonel Hunter up at the Greater Marion Association office and we immediately went over to the States Attorney Office to a conference. There were there the sheriff, Hugh Willis, The States Attorney, Colonel Hunter and myself and perhaps two or three others whose names I do not remember. They were persons who constitute what was known as the Citizens Committee.

All that I heard was a discussion of the truce that they had arranged that a white flag was to be put up at the mine and that the union men were to put up a white flag and that was about all. I took no part in the conversation. The terms of the truce were that the non-union men at the mine were to put up a white flag and that the non-union men that had then surrendered would wait until day light and were to be gotten out of the County. I do not remember how the truce was to

be carried out. The terms had been fixed earlier in the afternoon. I was not in Marion Tuesday or Wednesday until 8:30 in the evening. I did not communicate with any official except Hunter, and I was not with him all of the time. He sent me on various errands.

On Monday after his conference with the States Attorney in the States Attorney's Office Colonel Hunter and I went to the telephone office and he called General Black along about 11:00 or 11:15 A.M. Colonel Hunter told Black about the conference, what Mr. Lester was trying to do and that he (Hunter) did not have much confidence in the Sheriff or he did not think he was handling the situation like he should and told him he thought we ought to have troops.

Page 106

He (Hunter) told him (Black) there was an unrest that indicated trouble to him and he thought it would be a good thing to have troops. This was on Monday. Hunter told him that they had armed guards out around the mine who were holding people up on the highway and that people in the community were opposed to it and that it was creating a restlessness among the Union men and people of the community. Mr. Lester was not present at the conference in the State's Attorney office and neither was Mr. McDowell.

Page 107

I did not hear when the truce was to go into effect. The truce terms were discussed before I came in. Colonel Hunter was already in conference with I got in town. I left the States Attorney's office about 9:15 or 9:30 and went back to the Greater Marion Association. Mr. Harrington and Colonel Hunter were there.

Page 108

I stayed in the office until midnight and then went to bed. I do not know whether Hunter called General Black at this time or not for I was out of the office a greater part of the time. I do not know that Hunter communicated with Black on Wednesday the 21st, neither did he communicate that information to me. I was with Colonel Hunter most of the time.

Page 109

I was present in the States Attorney's office from the time I got there until probably 9:30, about one hour, when I returned to the Greater Marion Association's office. I should say I was with Hunter two-thirds of the time. I saw groups of men talking about town when I

arrived but I had no conversation with them. Their conversation was along general lines as to the employment of non-union men and that it might bring on trouble. The thing I heard mostly of was that Williams County in this district was too strongly organized for them to do anything like they were doing. I heard no threats of violence.

Page 110

I saw nothing suspicious more than usually mobs of this sort lead to trouble and I would have thought in my own mind that it probably would lead to something that it did. Nothing that I saw Sunday or Monday, however, would cause me to believe there would be trouble. But I thought there would be trouble. I was with Colonel Hunter soon after Sunday and Monday. Immediately after noon on Sunday I went down to the Elks Home and went out riding with some friends. I do not know where Hunter was during that time. I do not think I saw (Hunter) before this conference as we walked down the street we talked about the civil authorities, what we thought they might do, had not done, and things like that. I think I told Colonel Hunter that it would be a good thing to get all these armed guards and take their arms away from them. I discussed with Colonel Hunter the feasibility of calling troops and the conclusion was we thought we ought to have troops.

Page 112

I know of no definite fact that I saw here that might have led me to think violence would break out in this community for I saw no arms, so no mobs gathered and heard nobody make any threats. After this conference, which ended about ten o'clock in the morning there was a discussion with Mr. Lester and he made the remark that if the civil authorities would not give him protection that he would call for troops himself. Colonel Hunter mentioned something about troops in the States Attorney's Office and the States Attorney told him he did not think they would need troops and he thought it would be the worst thing to have them. Hunter only asked the States Attorney what he thought about the troops, something like that.

Page 113

None of the others said anything regarding troops.

Q. Did he at anytime say to any of the men he thought troops should be called or that troops were necessary.

A. I do not remember that.

I am sure he mentioned it to me and I think maybe it was mentioned before Mr. Harington in the Greater Nations Association on Monday morning.

Page 114

Examination by Mr. Jago.

There are a few mines near Carbondale, which is 18 miles from Marion. When I came over Monday morning to the conference in the States Attorney's Office there were present the States Attorney, Sheriff Thornton, Mr. Lester, Colonel Hunter and myself. At that conference Mr. Lester told the sheriff that he would have to have protection, that he would ask him to swear deputies to give him protection or take what steps his office would to make it safe for him. The sheriff told him he could handle the situation he could handle it alright.

Page 115

I do not know whether any deputies were sworn in or not. It was after that that Colonel Hunter went out and called up General Black. I do not know of an order being issuing out of Springfield to cause three companies of Militia to move on short notice. The captain at Cairo is Wilbur G. Thistlewood, Captain McLaughlin at Salem and Capt. Brown at Mt. Vernon. I think orders were issued from General Black and received before this trouble occurred down there. The States Attorney, Mr. Duty, said they should not have troops there. It was the worst thing they could do. At this conference the sheriff also objected to guards. I do not know of anything being said about a written demand upon the sheriff to send protection out there.

I returned from Carbondale on Wednesday at the request of Colonel Hunter. Nothing was reported to me as to what occurred here on Wednesday. Colonel Hunter called me about 3:30 and told me he thought that they were going to have trouble here or something like that and that I had better come over. I arrived here at 8:30. I do not remember seeing Sheriff Thornton Wednesday night but I saw the States Attorney in his office.

Page 117

The conference was practically over when I got there. I think they had made arrangements to meet the sheriff at six the next morning. The sheriff and some more of the men desired to go out there about six o'clock. That was decided in the States Attorney's Office. I got up the next morn-

ing about 5:30 or 6:00 and in a short time saw Colonel Hunter in the Greater Marion Association office, at which time we tried to find the sheriff.

Page 118

Both of us came over to the office in this building but could not find him. We did not go to the States Attorney's Office that morning. We waited in the sheriff's office until about 8:00 o'clock that morning. When he [Thaxton] arrived, at which time Colonel Hunter, Sheriff Thaxton, Deputy Storme and myself went out to the mine, arriving there about 8:50. Arriving there we saw the office, oil house, and things all burning and people crowded all over the ground. The people there advised us that the men had gone out of the mine and had gone towards Harbin.

Page 119

After we were told that we started back to town with the sheriff, but on our way back he met someone and turned around and decided he would go on to Harbin. We got into another car and came back to Marion. At the mine we heard reports that some of the non-Swedish men had been killed. Outside of the deputies with the sheriff I do not know of any others around here. I heard of a message that the sheriff received from Governor Small asking him to swear in extra deputies. I think Colonel Hunter received a message at the same time asking him to get the sheriff to wire the Governor the number of deputies he had and Colonel Hunter sent me to the sheriff to see if he got that message and his answer. The sheriff said he had received the message. This was after the trouble had occurred at the mine. I do not know whether the sheriff swore in additional deputies or not.

Page 120

I would have ordered troops in here after what I heard on the streets when I arrived Sunday. I would have ordered troops on account of the attitude the people were taking towards it, by that I mean the feeling in the community, what people say they could do and could not do. I did not know any of the people who were talking. I was on riot duty in East St. Louis and other places and I had enough experience you do not have to hear people threaten; you know what is going to happen just from the feeling around. I would do it so I would be safe if nothing else.

Page 121

The fact that I heard remarks that Williamson and Franklin Counties were well organized and that they could not work non-union men here I think would be enough.

I did hear Mr. Lester request protection and I did hear of Mr. Lester's being advised by the civil authorities in this County that he better shut his mine and I also heard Mr. Lester comment on the armed guards at the mine.

Further examination by Mr. Pierce.

State Attorney Duty met Col. Hunter and myself at his office Monday morning. At that time I had heard nothing about armed guards being out here at the mine. Mr. Lester was in conference with us, he told us at that time that there was danger at the mine and that was the time that he (Lester) said that unless he could get protection from the civil authorities here that he would look for protection elsewhere.

Page 122

I think the reason Lester said that was more because the States Attorney advised him that he should not try to operate with non-union men. That was the time that I learned that these men working for Lester were armed. Duty told Lester, the Sheriff and myself at that time that he thought that it would not be the part of wisdom to call in troops; that the situation was not of such menacing character as to indicate that it was beyond or above or outside of the power of the local authorities to handle it.

Marion listening to hear what I could hear. I heard comments from different citizens concerning the conditions and from remarks I could hear, coupled with my experience and observation of former events that had lead into riots I judged there was a situation here that was critical and that ought to be overcome by outside forces. That is the way I made up my mind. Without any expressed words I drew the conclusion that there was liable to be trouble here from the fact that this County was highly organized in union labor and that they were seeking to break that down with outside forces and attempted to operate coal mines here with non-union men in spite of organization with union men. This gave me an idea that there might be an outbreak at any time and had I used my judgment in the matter I would have considered it expedient under existing conditions to have called troops right away on Monday.

When I arrived here Wednesday evening I learned that somebody had been killed, but not the number. I understood they were non-union men that were being brought from Carbondale over here on the truck that was ambushed on the way over. I think I heard of this before I arrived in Marion. I do not remember of hearing of certain men being killed in the vicinity of the mine when I learned that the truce had been struck. I think I heard of somebody killed the night before the riot. I understood the purpose of the truce was to stop trouble.

I understood that in accordance with the truce the men were to be given safe passage out of the county but did not hear time mentioned. Col. Hunter informed me of the truce on the night of the 21st. He reported that the men at the mine had put up a white flag and the union men had put up a white flag to stop trouble and that it would be safe for them to get out. There was no particular object of my meeting the sheriff at 6 o'clock the next morning and going out to the mine.

After I arrived on Wednesday evening I think Hunter told me that the men had fired on the mine or the guards had fired on the men running around the mine.

Page 126

On the evening of Thursday the 22nd, the day of the riot, was the first I saw of the telegram purporting to have been sent in here by the Governor. I do not know the date, hour or place where the telegram came from. I learned the Governor was at Vanluegan at the time. Col. Hunter told me that he communicated to General Black the result of what was going on on the evening of the 21st but I did not hear the conversation. Hunter told me that he also informed Black about the truce.

Page 127

Page 127

I do not remember when he told me. I was not with Hunter all of the time. I believe Mr. Warrington heard most of Col. Hunter's conversation with Black notifying him of the existence of trouble here and the striking of a truce.

Page 128

I did not hear Hunter ask for troops on the evening of the 21st although he said he wished he had troops. I do not remember hearing Col. Hunter say to me on the evening of the 21st that he was satisfied now that trouble had been averted, that the troops had been struck in good faith and that it probably would be carried out in the morning.

I saw the sheriff in his office at 8 o'clock the next morning. I do not remember seeing him before that time. I think the sheriff mentioned at that time that he heard the miners had been taken out of there. He told us that before we went out to the mine.

Page 129

We were going out to the mine to see if the truce had been violated. We did not hear of anybody being killed before we went out. Col. Hunter did not report to the Adjutant General until he returned from the mine. Arriving at the mine we discovered a mob, acts of violence, burning of cars, destruction of property, everything being destroyed in front of them. The mob was wild and dangerous and, as we were informed, were in possession of the non-union men. We did not follow on to find out what they were doing with these men.

Page 130

Col. Hunter then came back to report to General Black. At the beginning when we heard they were going to Herrin I told the sheriff myself that we ought to try to head them off, that they might take them out on the road some place and kill them. The sheriff told me, no, he would not

think they would. He was going to the mine. He was not going to head them off. Sheriff Stanton left us and went to Herrin with Deputy Starns, I believe. I saw the sheriff at Herrin that day about one o'clock after Col. Hunter reported conditions to General Black. Hunter told him that the mine had been broken up, the men captured and taken out and cars were burning and property destroyed. He also reported there were rumors that men had been killed there and that he would mail him later after he verified the report. There was no telephone at the mine.

Page 131

I do not know whose car it was we went back in to Marion.

I do not think the sheriff did everything he could do to prevent this or what I would have done if the responsibility had been on me. I think I would have considered myself justified under the military code of Illinois and under the laws of Illinois in calling for troops if I had had the authority that Col. Hunter had or that General Black had or that the Governor possessed at the time when I got out on the streets here and heard the rumors I did, with my knowledge of military affairs and riot knowledge. I understood then that you must have known from the sheriff that he was unable to cope with the situation and that the civil authorities were ready to yield to military authority and a demand made from the sheriff for those authorities before they were authorized to come. I think Col. Hunter also understood that to be the rule. I did not know that the Adjutant General had authority and that it was his duty, if he thought the sheriff was not doing his duty, to call the troops into a locality to suppress riots or take care of a riotous situation, neither did I know the Governor had that power.

Page 132

I have satisfied myself since that I was mistaken regarding that rule.

Examination by Mr. McCarthy.

Page 133

I was not surprised when I heard that Col. Hunter called the Adjutant General and told him they should send troops to that territory, for the reason that the situation looked like it needed troops. We knew the sheriff did not want troops. No one mentioned troops to Mr. Lester. We discussed the question as to what was necessary before

troops could be sent here and we both understood we could not have troops until the sheriff asked for them.

Page 134

Col. Hunter's idea of the law was the same as mine; that troops could not be sent unless requested by local authorities.

Examination by Mr. Rice.

I came down here on Sunday in response to a message I had received from Col. Hunter. I got no request from any civil authority.

Col. Hunter was a member of the military department of the State. I

did not understand that my presence here as a military authority was intruding upon the civil authorities here.

Page 135

I was investigating for the purpose of keeping the State Department at Springfield informed. Col. Hunter sent a message to Springfield Monday morning urging that matters here did not look safe; that he did not think the sheriff was handling the matter correctly. I heard Hunter's talk with General Black at the telephone office but did not hear Black's reply.

Examination by Mr. Igoe.

Col. Hunter filed a report of his actions and doings down here with the Adjutant General which report was substantially correct. I went over the report with him but do not know whether I signed the original copy or not.

Page 136

I think the report was filed July 5th.

Examination by Mr. McCarthy.

If I signed this report it was for the purpose of verifying it. I read over the report but did not know of all the matters contained therein.

Examination by Mr. Backer.

Page 137

The first time Col. Hunter and I had a conversation with the Attorney was on Monday morning. I could not tell how many conversations Col. Hunter had with General Black but did hear Hunter speak to Black shortly after Lester requested troops. In the first conversation

Col. Hunter told Adjutant General I thought we ought to have troops.

Page 138

I think Hunter requested two or three companies be called.

I arrived at the conference in Mr. Duty's office Wednesday evening about twenty minutes to nine. Col. Hunter was there at the time. As well as I remember we left there about 9:15 or 9:30.

and Mr. Duty had

possible to sit in the presence of these conferences. I was asked to come

over there by somebody and forget who it was. I stayed

in the conference room until they were all gone.

MELVIN THAXTON.

Called as a witness before the Committee having been first duly sworn was examined by Chairman McCarthy - testified as follows:

Page 140

My name is Melvin Thaxton. I reside in Marion and have over four years past. Prior to that I lived in the country west of Marion in Williamson County, having lived in the county all my life. My official position at the present time is County Treasurer, to which office I was elected last November. I was elected sheriff of Williamson County in 1916 and was sheriff during June 1922. My term expired December 1, 1922.

I do not know just when I first heard of the trouble at the mine. The killing took place the 21st of June. I heard of armed guards being at the mine several days before that; it might have been a week. I gained that knowledge by going out there in company with Deputy Schaffer, Sterne and maybe Henderson was with me. Just before the trouble I also went out a few times with the State Attorney. I went out to look and see what was going on out there. While there I talked with McDowell and some other fellows whose names I do not remember, neither do I remember the conversations. The reason I went out to this mine was that people had come in and reported that the guards asked where they were going and talked pretty rough. The State Attorney and I went out to talk to McDowell about these complaints. I did not estimate they had a right to have armed guards. I do not know where the guards were stationed only that I supposed they were on the mine property. I am not positive whether State Attorney Duty and I went to the mine Saturday. I first met Col. Hunter on Sunday but am not positive where. I think he told me he came down for the Adjutant General.

Page 144

Page 145

a few times he was in uniform and a few times he was not. I do not remember whether he asked me about the circumstances at the mine or not. I probably saw him off and on every day he was here. I did not go out to the Lester mine with him on Sunday. I remember going to the mine two or three different times but do not remember when. I was present in the State Attorney's office when Mr. Lester, Col. Hunter and Mr. Duty had a conversation. It might have been Monday. I am unable to state the purpose of this conference. I was asked to come over there by somebody but forgot who it was. I probably took part in the conversation but do not know what they said about the mine all I remember said was that Lester was operating the mine with non-union labor. I believe I asked Lester to remove the armed guards but do not remember when. People were making complaints that armed guards were stopping them on the highways. If there was anything said about armed guards at this meeting, I do not remember. I do not remember what Col. Hunter said at this conference except that I remember Mr. Hunter asking Mr. Lester if he expected to operate that mine. I think Lester asked me to deputize those guards and I told him I did not think I had the power. I deputize guards at mines sometimes but did not expect trouble here and did not suspect trouble due to this district being highly organized. It might have been the general opinion of the community that there would be trouble but I do not know whether that was the reason Col. Hunter was here from the Adjutant General's office although I might have thought that.

Page 147

Page 148

On Wednesday, the 21st of June, a little after noon I was called between here and Carbondale. Somebody called me and said it was McDowell from the Lester mine. He telephoned and told me that he had had some men coming in from Carbondale in the truck and they had been fired into and they wanted me to investigate and see what happened. Myself, Duty, and Schaffer went and we found the automobile truck had been fired into and the men wounded. This happened some where between here and Carbondale in this County. We later found out the men were taken to the Carbondale Hospital. Arriving in Carbondale we found three or four hurt, one seriously. They had all been shot. This one fellow looked like he was shot with a shotgun. After this we went back, came back to where the truck was fired into and from there went to Carbondale and came back to Marion. I did

Page 149

Page 150

Page 151

not then know who the owner of the truck was. We examined the truck and found it had been shot through the side curtains and there might have been 40 or 50 bullet holes in it. I think Storms was in my office here when I returned and either learned there or over at Duty's office that there had been trouble over near the mine and that a couple of men were shot. I do not remember who told me about

Page 152

these men being killed, it was talk on the streets. My deputies at the time were Storms, Richardson and Schaffer. I think Storms was in the office when I returned. Storms may have been the man that told me two men were shot. It seems to me Col. Hunter asked me to come over to Duty's office. When I arrived there there was six to a dozen people there. Col. Hunter was there, Duty, Mr. Storms, Mr. Schaffer, Major Davis and Judge Hartwell; Hugh Willis came afterwards, I was informed. My reason for going over was to talk over the situation. They told me a couple of men had been shot out near the mine. I suppose they wanted me because I was an official. I had 5 or 6 special deputies sworn in in connection with this trouble. They had been sworn in for sometime, probably 30 days prior to the trouble.

Page 154

They were not on duty during the month of June unless they were called on. I do not think they were called on. The crowd in Mr. Duty's office was just talking about what had happened that evening out at the mine or near the mine, about those two fellows being shot and that both sides had quieted down. I do not remember who gave that information. Hugh Willis in substance said that everything had quieted down, a truce had been made, there had been a couple of fellows shot and both sides put up a truce. I suppose he meant both sides had agreed to be peaceable. Col. Hunter said something about he had come from out there and that he had talked to parties from out there.

Page 155

He said he had helped arrange a truce. I believe he had talked to Fox Hughes or Hugh Willis. I understood the truce was a white flag. I suppose it was the union miners and the men in Lester mine who were doing the fighting, but I did not know it. I knew there was trouble at Lester mine. They all had arranged to go out the next morning and adjust matters according to this truce and I supposed all of us were to go. I supposed I had authority, being sheriff, to regulate

Page 156

at Lester mine. They all had arranged to go out the next morning and adjust matters according to this truce and I supposed all of us were to go. I supposed I had authority, being sheriff, to regulate

Page 157

at Lester mine. They all had arranged to go out the next morning and adjust matters according to this truce and I supposed all of us were to go. I supposed I had authority, being sheriff, to regulate

disorders and put them down. I do not know whether I was the man selected to carry out the terms of this truce or not. I do not know that they asked me to. The next morning we were to go to the mine and what we were to do was to see that nothing went wrong, I suppose, to see matters adjusted and those non-union miners were to surrender and come out of the mine. That was to take place at eight o'clock.

Page 158

I did not hear any one say at this conference that three hundred shots had been fired out there and never found out that there were. I guess it is a fact that a great many shots were fired. I believe the killing of union miners was discussed there but I do not remember of them discussing the matter of these stores being broken into and arms taken. I did not hear about that until after that night.

Page 159

I did not hear of the stores being broken into until after the killing on the 22nd.

George ^VWinnon was the chief of police on the 21st of June, 1922 and still is. I do not remember seeing him on the day or evening of the 21st. On the following morning around 8 o'clock I went to the mine with Mr. Schaffer, Col. Hunter and Mr. Davis.

Page 160

I went out to see what was going on. I do not know that I expected any trouble. Col. Hunter did not discuss with me that there had been killings until I got to where the killing was done. The first I heard of trouble was when I reached the mine that morning and found the buildings burning. Some body there told me they took the men out and were shipping them away; somebody said they had taken them to Herrin. I do not know of any arrangement made in Duty's office the night previous that we were to leave for the mine at six o'clock the next morning; I thought it was eight o'clock. I do not remember who took part in the conversation. The conference in Duty's office ended after midnight but I do not think Davis was there when we adjourned.

On the 21st of June I lived at 106 South Vanduren Street, the county jail. My wife has charge of the turn-key when I am not there

I have three children who were living with me at the time. There were no deputies staying with me. After the conference I went home, arriving there around one o'clock and went to bed. I got up the next morning around four o'clock and came up to the office in this building about seven o'clock. There was nobody in the office when I arrived. My automobile was down at the jail on June 21st. I did not bring it to the office with me in the morning but I had it with me on the evening of June 21st. I went to Carbondale that day and left it at my place about nine or nine-thirty and did not take it out again until eight o'clock next morning. Shortly after arriving at the office at seven o'clock, returned around eight o'clock during which time Mr. Storms arrived. Mr. Schaffer was here and he started with us to the mine.

I did not ride in an automobile or take a trip any place outside of the city limits of the city of Marion between midnight of the 21st and eight o'clock of the 22nd, neither had my automobile been taken out during that time. I used my automobile in going to the mine that morning. Hunter and Schaffer went with me. All of my deputies have automobiles. I do not know whether Mr. Schaffer had his automobile here the night we left Duty's office or not.

My car is a Ford. On Monday I had a conference with States Attorney Duty, Mr. Lester and Col. Hunter but do not remember the question of troops being discussed. I did not hear any such statement from either gentlemen. Col. Hunter and I probably discussed troops more than one time but I could not give you any date or time. I do not remember just what was said except he said troops were going to be needed. I told him I did not know whether we would. I do not think I told him I thought the situation was such that troops should be unnecessary. I thought we would be able to handle the situation. I did not see any need for troops. I had 4 or 5 extra deputies living throughout the county and I do not know how long it would take them to get in. My opinion at the time was that I and my deputies could control the situation. I might have told Col. Hunter that. I do not remember whether he agreed with me or not.

He did not tell me that I would not be able to handle the situation without the use of troops. I did not advise him not to call out troops. I might have said something to the effect that in my opinion troops were not necessary and I would rather they would not be called.

Further Examination

By Mr. Igoe

Page 171

I believe I testified in the trials which have recently been concluded in this county. I don't think that there is anything wrong with my memory. The duties of a sheriff are to serve papers, keep the peace, quiet disturbances, arrest fellows, and serve warrants. He is supposed to arrest persons when a crime has been committed. I tried to arrest several fellows in these murder cases which occurred in June, 1922, but I could not make any arrests. I did not arrest anybody before June 22, 1922

Page 172

because I did not have any warrants. Further more I did not know who to arrest. I inquired from people about, but failed to find anybody. I don't know as I made a written report in my office. I arrested a few union men after they were indicted. I heard of two union miners

Page 173

being killed on June 21st. I understood they were killed at the mine. I found that out the same evening, but I did not go out until the next morning. I had been told they had been shot and another man killed. I never heard of an old fellow being killed by a machine gun. I heard rumors on the evening of the 21st that a union miner named Henderson had been shot about a half mile from the mine. I don't remember where his body was taken to.

Page 174

When a murder is committed, I am supposed to make arrests, but do not wait twenty-four or forty-eight hours before I do that. I made efforts to find out who shot these men, but could not find out any names. I heard rumors that Henderson was killed near Crenshaw's place. I was never at the spot where he was killed, and do not know whether he was a union miner or not, neither do I know whether the two men killed on the 21st were union miners. I also learned that some men had been shot in an attempt

Page 176

to come from Carbondale in a truck. I had been out to the mine and knew that armed guards were patrolling the road around the mine. I don't know whether these armed guards shot the men on the 21st or not, but it may sound reasonable. I don't know whether I discussed that matter with the State's Attorney, but the killing of those men was discussed in his office just casually. It may have

Page 176

been talked of earnestly. I don't know why I went out to the strip mine. I don't know why I didn't go out to the mine the night I heard these two men were shot. I had no idea what was going to happen. If I was needed out there, it was my duty to go. Although two men were murdered at the strip mine I left the conference and went home and slept. I made an effort to find out who shot the men coming from Carbondale, but could locate no one. I inquired of E. M. Barry who lives near the

Page 177

scene of the shooting that same evening. Mr. Duty went with me because I did not know whether it was in Williamson or Jackson County. The State's Attorney did not think it important enough to go with me to the Lester Mine the night these men were murdered. We travelled twenty-two miles going to Carbondale. The strip mine is four or five miles from town. I traveled eighteen or twenty miles to see whether a crime was committed in this county, but did not travel four miles to apprehend the murderer of two men. I was at the strip mine practically every day. I went to the mine alone about seven

Page 178

or seven-thirty on the morning of the 21st. I did not expect anything was going to happen even in a situation where there were armed forces opposing each other. However, at seven o'clock in the morning there were no armed forces on both sides. I had no intimation what was going to happen the following morning. Someone called me over the telephone to attend the conference in

Page 179

Duty's office. I went because I was called. I had no particular reason for going, and would not have gone if I had not been called. Two men being murdered might have actuated me in going to Duty's office. I don't know how many murders I had in a year. I never had a situation such as existed at the Lester Mine. At the time I arrived at the conference I think there was present Col. Hunter,

Page 180

Mr. Davis, Duty and Judge Hartwell; I am not positive about Storms. Duty, Schaffer and I had just come back from Carbondale in an auto, but I am not positive whether Schaffer was there. I am positive that I do know we talked of a party there was going out to the strip mine the next morning to adjust matters and get the fellows out of there. I am also position something was said about a truce, and that

Page 181

the men were to go out the next morning around eight o'clock. We did not go out to the mine eight o'clock the following morning and can give no reason why we did not. I was not so anxious to question the men in the mine to determine whether or not any of them were responsible for the murder of these men although I might have an idea they might have killed them. I brought no witness before the Grand Jury to indict for the murder of those two miners, neither did I appear before the Grand Jury in that particular case, nor gave evidence about men being ambushed coming from Carbondale. I did not bring Mr. Barry in. On our way back from Carbondale we stopped at Cartersville. We found

Page 182

out the truck was there and we looked it over and saw where it was shot. I learned a man named Thomas and a man named Zimmerman drove the truck to Cartersville. I talked with these two gentlemen, but did not bring them before the Grand Jury. I made no effort to find out who was in the auto following the truck. We reached Cartersville about seven or eight o'clock on June 21st, but I

Page 183

talked with nobody there about the Lester strip mine.

Page 184

While at Cartersville, Duty said something about this strip mine, but I do not remember just what he said. I was informed that these men who had been shot at in the truck were headed for the strip mine. I believe Duty was the one who wanted to go to the strip mine that night. Cartersville is six or seven miles from the strip mine and Marion about four. I do not remember Schaffer saying anything about going to the mine that night. I did not call my office from Cartersville, and did not learn two men had been shot at the mine, although I saw several crowds of people in Cartersville.

Page 185

Early on the morning of the 21st I went out to the strip mine alone. I just went out to look around to see if anything unusual was going on. I did not return to the mine at night after hearing of two men being murdered. I don't know of a newspaper man named Earl Miller. It is not true that I told Col. Hunter and Earl Miller that I learned of the murder of these two men on June 21st out at Cartersville, and it is not true that I suggested going over there and Duty told me not to go.

Page 186

On the morning of June 22nd I went out to the mine with Col. Hunter, Mr. Davis and Mr. Schaffer and from there on to where the killing took place. McDowell was the last dead man I saw. I think the first man I saw who was killed was Shoemaker who was lying in the woods back of the power house. There were several persons around there, but do not know whether any of them participated in the killing. I stayed there until the bodies were gotten out. I do not remember how many bodies there were, but two or three of them were still alive. We took them to the hospital at Herrin. Nobody knew where the mob was. I did not see anybody hanging in one of the trees, nor was I over at the graveyard at Herrin, but

Page 187

while at the power house I found out somebody had been killed at the graveyard. I think McDowell's body was the last body I remember seeing that had been found. The body was in an ambulance when I saw it. I made no arrests and neither did I present any evidence to the State's Attorney, but made inquiry as to who composed the mob. I learned nothing about the makeup of the mob and did not find out who killed the non union or union men. I do not think I furnished names of any witnesses for the trials. Special deputies for the Attorney General subpoenaed witnesses and looked them up, and until he came in here I did not furnish any names, and did not do a thing about the prosecution of that case. There was not a single arrest made until after the Grand Jury brought in indictments. I knew most of the indicted men.

Q. So that when an investigator came into this county you could not even find out how the crime happened, or furnish a witness, is that the situation?

A. It probably is, yes, sir.

Page 188

Lester did not ask me to give him guards. He asked me to swear in some of his men. He might have sent me a letter concerning protection, but do not know whether I have it on file or not. I might keep official matters on file. I do not remember whether the letter was dated June 18th or not, nor do I remember keeping a letter like that. I don't remember what I did about the letter or whether I answered it. I don't think I gave him protection for property, or for men that he requested in his letter. I saw Lester on Monday, the day we were in Duty's office, and he talked to me about the subject mentioned in that letter. I do not remember Hunter asking me to swear in special deputies; but might have.

Page 189

Q. Didn't he in the presence of Major Davis tell

you that Governor Small wanted you to swear in
a sufficient number of special deputies?

A. I do not remember.

Page 190 I had six or eight special deputies sworn , some
in June 22nd, but do not know how many.

I might have send a telegram to the Governor, but
do not know what its contents were. Mr. Davis might
have sent it. I put on twenty or thirty deputies after
the trouble at the mine. What I did to restore order and
protect property and people was to see whether persons were
armed, but saw none. I don't know whether Hunter or Duty
saw any arms. I did however, see a few men armed on the
21st.

Page 191 I do not think I meant all were dead when I said in
that telegram, "Everything done possible to preserve
order. Everything had been burned out there, and the
men killed"; but I as sheriff of the county had complete
controll.

Further Examination

By Judge Pierce

Page 192 When we reached Carbondale we discovered another man
was probably fatally shot and others more or less wounded.
on the 21st up until nine o'clock I learned that five men
had been shot, in Williamson County, but was unable to
learn who shot them, although I made inquiry of several
people. I made other efforts that I considered complied
with my duty. At the conference in Duty's office Col.
Hunter told me he was down here for the purpose of looking
into the situation at the strip mine. I knew from what
he said what his mission was, but only know of his official
position from what he told me. He told me he represented
the Governor of the State of Illinois in that official
position an Adjutant General of this state also. I knew

that it was my duty as sheriff whenever there was any riots , or threatened riots, or conduct that was menacing or threatening among crowds of people assembled together to use my office, my force, my ability, and my duty as sheriff to suppress it, and quiet it, and disburse the mob. I also knew if the crowd got beyond control in an effort to destroy property or kill or main perons that it was my duty to use all of the power within the county to overcome that situation. I was in Duty's office from about nine to twelve o'clock and saw Col Hunter go to the telephone. Hunter was there all the time, as

Page 193

well as Duty. We were discussing the pro and con of everything. At that time I learned two men had been shot at the strip mine which made seven men killed, or wounded in Williamson County that day. I think the shooting out here at Carbondale was discussed in the presence of Col. Hunter at that time. We told him that five men had been shot, one fatally, and that these men got into the county destines to go to the strip mine about four miles from this city to be employed. I did not learn whether or not these men that were shot were armed at the time, although

Page 194

I made inquiry. I learned there were nine or eleven men on the truck. I think Hunter was the one who told me that two men had been shot at the strip mine. I think I heard Col. Hunter make his report to the Adjutant General over the telephone. My present recollection is he reported that everything was quiet and no further trouble expected. I did not know that this report was untrue. The fact that five non union men had been shot on a truck coming into this county, and two near the mine would not cause me to expect more trouble. I don't remember whether Col. Hunter told the Adjutant General there were five men shot off of

Page 196

trucks nor that two men had been shot at the strip mine. He just reported everything was peaceable and quiet. I swore in deputies after the men had been killed to take care of the situation then. I swore in no deputies when I saw armed men on the 21st. I don't remember whether the Governor asked me to do it or not, although I think he sent me a telegram to that effect. I thought that I had enough deputies. I did not swear in any on the 21st.

Page 197

I met a lot of people at the mine whom I knew by their first names. I think I did my duty even though I did not go out to the mine the night I heard these two men were shot. I felt we could take care of the situation without troops.

Examination by

Mr. Igoo

Page 198

After hearing of the truck being fired on I went to Carbondale and inquired as to where Sheriff Gibson (Jackson County) was, and later located him. He told me he had been out to where the shooting had taken place, and I learned it was in this county. I am not positive whether he asked me if I had enough help to take care of the situation. He probably offered me assistance. I do not know many people in Carbondale. I did not tell anybody at Carbondale "The Sam T. Brush riot was not one, two, three to what is going to happen in the next few hours". I do not remember whether at that time I knew of the Brush Riot at Cartersville or not. I might have thought something serious was going to happen in my county, but did not believe it would be one of the most serious ones that ever happened in Illinois.

Page 200

Q. When you were at Carbondale after this thing had happened, these men had been shot in ambush, and all of these things were in your mind, you knew if something would happen it would be one of the most serious that Illinois had ever heard of?

A. No, sir, I did not .

The killing of a few men probably was a serious matter.

Q. What prompted you to make these statements to this man that possibly in the next few hours one of the most serious things would happen?

A. I am not positive.

It was probably between one-thirty and two o'clock that we were in Carbondale.

Q. Now, during all this time after this had happened over there, this shooting near Carbondale, did you call the Adjutant General, or any other officer in the State of Illinois, and tell him what the situation was?

A. I think I talked with the Adjutant General some few times, I do not know.

I do not remember whether I talked with him on the 21st of June or not. If I talked with him, I talked from my office. I might have talked with him before the killing at Herrin, but I have no idea how long before it was. I suppose I talked with him about the situation down here.

202. G. D. Storme called as a witness before the Committee having been first

daily sworn was examined by Mr. Ligon, and test filed as follows:

My name is G. D. Storme. I live at 1502 West Main Street. My official position is that of County Clerk, having been elected last fall. In June 1922 I was Deputy Sheriff under Mr. Thaxton.

The first I learned of trouble was about a week previous to the massacre, when they brought down the gun men.

204. Both the Sheriff and I knew about this. About three or four days previous to June 22nd, I visited the mine, perhaps Friday or Saturday preceeding that. I do not recall seeing Col. Hunter on Sunday June 18th, or the following Monday. I spent most of my time in the Sheriff's office. I was known as the Office Deputy and did the book work. The week previous to that I went out to the mine, I was accompanied by the Sheriff, Deputy Sheriff Schaffer and State Attorney Duty. The reason we went out was because there was rumors of some little disturbance, that is, I mean to say some complaints by people passing there. I don't remember seeing anybody there I knew except Mr. Mc Dowell, and a fellow

206. who calls himself Delaney the Captain of the Guards. We drove right up to the office, but before doing so we were halted by a guard and asked our business, and we informed him that we wanted to see the Manager. We got out of the car when we got there, and Captain Delaney, ordered us back into the car. We told him what our business was and we wanted to see Mc Dowell, and he found him for us. We talked to him about reporting the difficulties about people passing. Some people had reported that they had been molested in passing, held up and assaulted, and men patrolling the highways were armed. I do not know how many complaints our office received, but they were few. When we arrived there we saw three or four armed guards setting around, and when we drove up about twelve gathered.

208. I believe about six or eight of them were armed. Some of them had pistols and some had rifles. I do not think Mr. Mc Dowell stated how many armed men there were. The guards were stationed there to keep people from coming into the works. I do not know whether there was anything wrong in that. Being justified in keep people from coming into your property depends upon circumstances. It is probable I could imagine a circumstance where you possess property and want to keep people out. I first met Mr. Lester in my office on or about June 19th, at which time we went to Mr. Duty's office. Sheriff Thaxton was there, but not Col. Hunter.

207. I do not know whether Lester made a request for protection of property

and men employed out there at that time. I believe I was present during the whole conversation between Lester and the Sheriff. The only thing I remember about protecting property and men was when I [Lester] wanted the Sheriff to swear in a bunch of men as Deputy Sheriffs, but he said no, I would not swear those fellows in. I saw the letter Lester wrote to Thaxton, and as I remember, he stated the seriousness of the situation. As to whether the letter was received after the Sheriff declined to comply with the request of Lester I do not know. The letter should be in the files of our office.

208. It was part of my business to open the mail. I suppose I showed the letter to the Sheriff and then filed it. I do not know whether the Sheriff saw this letter or not.

209. ^{that} It may have been after I read the letter and before I filed it that I laid it on the Sheriff's desk. I usually put letters on a letter file that you hang on the wall.

210. I never talked with Hunter about having troops sent down here, and neither did he with me. I rather think however I heard it talked possibly by Hunter and a bunch of us.

On the morning of the 21st I arrived at the office at eight o'clock in the morning and remained there all day. In the evening I went to the State's Attorney's office where were present the Sheriff, Judge Hartwell, State's Attorney, Mr. Hunter, Mr. Bond, Mr. Davis, I think his name was, a man in uniform, Hugh Willis, Bill Davis and a newspaper man named Drobeck from Johnston City.

211. Mr. Duty's office is about fourteen feet square. Before going up I met the Sheriff and Mr. Schaffer at about the one thousand block on ^{West} Main Street. I was going east and they were going west and Duty was with them. I was interested in what happened at the mines, and we all came back and went up in Mr. Duty's office to talk the matter over and see what to do. I told Mr. Duty and Thaxton that I had received a report about three o'clock that some body had been shot at the mines. It was along about dark when I met these people, about seven thirty. Before going to Mr. Duty's office we drove to the jail and left the car there.

212. We did not stop at the Court House on the way over. I am not positive whether anybody was in Mr. Duty's office at the time we got there or not. I don't know who gave me the information that shots had been fired at the mines. Somebody called from the Greater Marion Association Office.

When I was in the Post Office Col. Hunter, was there, but I don't think he said anything. Mr. Paisley was there talking over the telephone and trying to confirm a report for his newspaper that there had been hardware stores broken into at Herrin. I heard that report at the Greater Marion rooms, but not of any stores in this town being broken into.

On my return to the office Mr. Mosely told me, and said there was some men for guns. That was on the 21st.

213. I expect I reported that matter to the Sheriff when I returned to town. I do not know whether Mr. Sox's hardware store, adjacent to the State's Attorney's office, was raided that day. In the evening I learned that two men had been shot at the mine, but do not know where I received the information. I heard of it before the Sheriff returned from Carbondale. I heard no rumor that the electric current and telephone communication at the mine had been cut.

While at the Greater Marion Association, Hunter, did not say anything to me about going out of the mine, nor did he request me to take deputies and go to the mine. I did not consider it my duty to go out there at that time.

214. As I understand it the duty of a Deputy Sheriff is that of preserving peace. I could not go out to the mine because I was in charge of the office, and the other deputies had all gone. I understand the same law governs conditions in this county as it does in others. I heard rumors that a man named Henderson was killed.

215. The reason I did not investigate the killing is because the Sheriff and State's Attorney were out there. I suppose they had been out there because they had gone to Carbondale earlier in the day, and were gone all afternoon.

216. I do not know what all was said at the conference in the State's Attorney's office, except that Col. Hunter reported that the trouble was all over, there had been a truce, and there was no further trouble to be expected. Hunter said he made arrangements for the truce. I do not know whether the Sheriff was out to the mine in the morning or not, nor any of the county officers. I rather suppose there was something said about two union miners being shot at the conference, but nothing was said in regard to going out to the mine to see what the situation was.

217. There is but one telephone in Mr. Duty's office. I do not know whether Hunter, was in the office when we came or not, or whether he arrived later. I heard nobody send for Hunter or telephone for him. I think I remained there until after twelve.

While in the conference, as I remember it now, the telephone rang, and

and Mr. Duty, answered it, and handed it over to Hunter and he talked. Apparently he (Hunter) was talking to Adjutant General Black. I take it Black, was inquiring about conditions down here. Mr. Hunter talked, and he said that the trouble was over, that an agreement had been reached; there would be no further trouble at the mine, and in the morning everything would be cleared up out.

218. I cannot name any particular person who had any particular conversation, but the subject of going out to the mine was discussed.

219. Further examination by Mr. Rice.

When we arrived at the State's Attorney's Office that night we discussed this trouble among ourselves. I suppose I gave Mr. Duty the information I received during the day.

220. That is what I went up there for. Mr. Duty could not have been working for all the lights were turned off a considerable part of the time. The only time the telephone was used was when this call came in for Col. Hunter. I remained at the conference all the time, arriving about eight o'clock and leaving twelve.

221. The lights were lit when we first went up, but later we were setting in the dark.

Further examination by Chairman, Mc Carthy.

222. I went home after I left the State's Attorney's office and reported for work the next morning at seven thirty or eight. There was nobody at the when I arrived. I believe the Sheriff went to the mine from the jail.

Q. When was the first time you saw the Sheriff on the 22nd?

A. I think he came by the jail that morning. Any way it was early that morning before he went to the mine that I saw him.

I think now that I saw the Sheriff leaving from the jail. I don't remember seeing him at the office. It was about seven thirty when I saw him. I don't remember whether I spent opened the office that morning nor not because we all had keys, but I usually was the first one there.

223. The sheriff gave me^{no} orders before he left that I know of. I did not hear of the trouble that morning until some time after the Sheriff left.

Friday, April 27, 1923.

Melvin Thaxton having been previously duly sworn was recalled for further examination by Mr. Mc Carthy and testified as follows.

I think Mr. Richardson, was in my employ as Deputy Sheriff something like two years. When I swear in Deputies I instruct them as to their duties to some extent. I saw Mr. Richardson at Herrin on the morning of the 22nd about ten o'clock. I don't remember now what he told me with reference to what had occurred. Mr. Richardson and I looked after those bodies around there that were in the morgue and assisted some in the hospital.

226. It seems to me that we were at the hospital maybe one hour, although it was probably about twelve o'clock before we got through with our work. In the afternoon I stayed at the morgue to assist and do anything I could to keep the crows away. I saw Mr. Richardson there that evening. I think we got some rope and I told him to rope it off and keep crowds away from the bodies. Mr. Schaffer also assisted. We were together practically all afternoon.
227. Mr. Schaffer and I went to Herrin in an automobile that morning. Previous to going there we had been to where the men had been killed in the woods back of the power house where we arrived between eight and nine o'clock and remained fifteen or twenty minutes. While there we got the bodies out and sent them to Herrin. I don't remember whether Schaffer, helped to fix the bodies or not. I don't remember who I had lunch with that day. I left Herrin that day some where around six o'clock.
229. We drove to Marion over the dirt road west and north. Accompanied by Mr. Schaffer and one of the cooks that worked out at the Lester Mine camp. It was still light when we arrived in Marion at two thirty. I don't know whether this cook came out with the men who had surrendered or whether he had been shot at or not. That evening we took him down to get on the train which was the last I saw of him. He said he was going to Mt. Vernon. We picked him up on the streets in Herrin. Somebody told him who I was and he came to me and I took him in the car and brought him to the train.

On arrival at Marion I went to the county jail. I took two other fellows, foreigners that had been there in jail to Hudgens and let them get on the train. We had them in jail to protect them.

231 They had been out to the Lester mine but had not committed any crime that I know of. They were put in jail while I was at Herrin, but I do not know who brought them in. I do not think any men were put in jail on the night of the 21st who had been working at this mine. Our official record at the jail would not include people that might come for protection. I do not think a record was kept of these two fellows.

232

It is not a fact that I had two men who worked at the Lester mine in jail and that the mob formed on the square here and undertook to go over there and take these men out.

FURTHER EXAMINATION BY
MR. LEOB.

I might have questioned this book we found on the streets of Herrin, but do not remember, nor have I a record of his name. I think he told me he walked into Herrin.

233

I did not bring him over to the State's Attorney's office so that he might be questioned as to his knowledge of the crime, nor did I take these men that were in jail to Duty's office for examination. The wounded men in the hospital at Herrin made statements to the State's Attorney. As I remember now Bill Sartin, a resident of Herrin, was made a guard at the jail while these two men were there.

I did not pass the grave yard at Herrin on my way back to Marion and made no investigation of the massacre that day.

It seems to me the telephone conversation between Hunter and Black in Duty's office on the night of the 21st occurred between 10:30 or 11 o'clock, but I am not positive.

Dellos Duty having been first duly sworn was recalled as a witness before the Committee, was examined by Chairman McCarthy and testified as follows:

The best of my judgment is, it was about 9 or 9:30 that the electric lights went out in that section of town and my office at that time was fitted with both electric and gas lights. Right immediately above my working desk was a three mantle gas chandelier with a pull chain and right over in the west wall, just coming out of the wall was a onemantle gas jet, upright, with a frosted globe around it. That was nearer the typewriter desk. When the lights went out, I think these gentlemen I previously named were all there and we sat there about three minutes; it could possibly have been five. As I have had the experience of having lights go out and come back in a little while, I did not turn on the gas lights. After the lights had been out for some five minutes, I just pulled the chain, stood up and pulled the chain of lights, this three-mantle gas light, went over the the typewriter desk on the west wall and pulled the chain and turned on the gas lights, and while I have not been in my old office for some little time- in fact, not since I moved from there, I think if the gentlemen of the Committee want to go over there, they can see the same arrangement. The electric light that was on my desk had a green shade.

FURTHER EXAMINATION BY
MR. GOB.

-3-

I did not hear any explosions that night. The square was not crowded with people when I left my office. Today is the first time I learned about two men being in jail. Neither have I before heard that the sheriff picked up a cook at Herrin.

239

I questioned the men before they were taken to the hospital in the woods back of the power house and took their statements.

The sheriff was in the woods at the time some wounded men were still there as were also the bodies of those who were killed. I did not go to the graveyard. I made arrangements with the now present sheriff and superintendent of the power house to call undertakers and get hearses out there to take away the dead and wounded and went to the hospital and saw the doctor and nurses and made arrangements over the telephone from the power house. I first learned that the wires from the Lester strip mine had been cut from the guards of the first trial. I never found out what created the interruptions of my lights on the night of June 21st.

240

The lights in my office were out any way from thirty to forty minutes on the night of the 21st. My lights go out frequently. Lights on this part of the square adjacent to my office were also out that night.

The sheriff never informed me that he sent three men out of town, who formerly worked in the strip mine. Had I known that they were at the jail, I would have considered it highly important to get their statements.

323

John Schaffer, called as a witness before the Committee, having been first duly sworn, was examined in chief by Mr. McCarthy and testified as follows:

My name is John A. Schaffer. I reside at

Marion, Illinois and have for sixteen or seventeen years last past. I am not doing anything at the present time. During the last eight years I have been Deputy Sheriff, discontinuing that line of work about three weeks ago.

I was Deputy Sheriff in Williamson county during the month of June, 1922, receiving my appointment from Melvin Thaxton, sheriff. John Lehman was his Deputy over me, although in June last year, he might have been only a Special Deputy. The deputies on duty at that time were Mr. Richardson, Mr. Storme and myself, who were the only regular deputies at the office. There were possibly fifteen or twenty special deputies throughout the county, one in every little town. The County Clerk may be able to give you the correct number. I believe there was one at Carterville, one at Cambria, one at Clifton, two at Bush, one at Johnston City, one at Bolton, one at Creal Springs and two at Colp.

325

I know there were more than five or six deputies sworn in and acting at that time.

I first heard of the trouble at Lester mine two or three days before the killing. I believe I had been out to the mine every day for three or four days prior to the trouble.

326

The first time I went out was because reports came in that they were having trouble with guards holding people up on the public highway. While out there I saw anywhere from fifteen to twenty guards with rifles and 45 colt automatics. At one time I went to the mine, accompanied by the State's Attorney and the sheriff and at another with Colonel Hunter, on different days.

326

We made several trips to the mine because there had been complaints that the people were being held up on the road and we made an investigation, and the day I went with Colonel Hunter, we went out to see them and have a talk and see if they had any machine guns out there, but we did not find any. Colonel Hunter and I talked with McDowell, the man in charge, about the situation out there, the complaints and all that.

328

Colonel Hunter was represent^{ing}/Adjutant General Black. At the time he first came there was not any more disturbance there and complaints coming in every day of people being held up out there. I suppose that is why the Adjutant General sent Hunter down, but I never communicated with the Adjutant General in reference to that. Neither do I know whether the sheriff did.

After going to the mines several times McDowell agreed with the State's Attorney and the Sheriff that he would disarm his men. The State's Attorney, the sheriff and I were present when that agreement was made, but I do not think that Colonel Hunter was there.

I believe McDowell and Delaney with two or three others came to the State's Attorney's office on Sunday or Monday and in the presence of Colonel Hunter, the way I got it, said they were going to quit stopping people on the public highway. Delaney was the captain of the guards.

330

The day before the massacre, McDowell called us up to go to Carbondale, he said one of his trucks had been fired into and right after we had our dinners, Mr. Dady, Mr. Thaxton and I left for Carbondale. We inquired all along whether anybody had heard of the shooting. Arriving at Carbondale we saw Delaney and found out from him where the shooting took place. While at Carbondale we also went to the hospital

where some of the wounded men were who told us what had happened. I am not sure whether I talked with Sheriff Gibson.

331 Thaxton and I were not together all the time. The only
man I talked to was Delaney. I did not hear Thaxton mention
that something was going to happen as bad as the San Bush
riots. We returned to Marion about 8 or 9 o'clock
332 and in a short time went to Duty's office. I stayed with
Sheriff Thaxton that night. While we were in Duty's office
somebody called Col. Hunter on the phone and asked him
to come over. Hunter arrived in possibly half an hour.
We went to the State's Attorney's office to see about the trouble,
333 out there at the mine. After Hunter came we talked about
this trouble and what arrangements could be made to stop it.
We saw the truck that had been shot into at Carbondale, but
I do not believe we heard that union miners were shot, although
we heard there had been some shooting out there. That was
talked of in the street.

We had this information in Duty's office, but I
could not say that that was the reason Col. Hunter was sent for.
334 They were figuring some way how to stop a situation which I
considered serious.

335 Arrangements were then made to go out to the
mine at 8 o'clock. Col. Hunter was going out, Sheriff Thaxton
and Mr. Duty, but I am not sure of Davis. They were going out
to see what could be done in regard to stopping it. My under-
standing was that they were going to shut the mine down and
they were going out the next morning. This I gathered from what
Col. Hunter said.

336 I remained in Duty's office until after midnight. It is my
judgment that Col. Hunter, Major Davis and the State's Attorney
were there all the time.

While I was in the office I heard Col. Hunter
talking to General Black. I heard him say that Lester had
69 agreed to shut the mine down and the men were going out next
morning.

Possibly he told him about the shooting taking place, but I do not remember. I did not hear him(Hunter) tell the General to send down troops. It seems to me Hunter said he told Gen. Black that they had agreed to come out of the mine, and that he thought by morning everything would be all right.

337 Hunter did tell me at once time he thought troops would be needed.

After the conference I went to my home at 511 South Madison street. My daughter, who is about 23 years old, and her husband, and my boy reside with me.

338 I have an automobile, but did not use it that day.

I got up about 6 or 7 o'clock the next morning and reported for duty between 7 and 8 a.m. on the 22nd.

339 We met on the square to go out there so I may not have been in the office at all. I was not outside the city limits after I left the conference in Mr. Duty's office, and before I left for the mine the following morning with Col. Hunter and Mr. Thaxton and neither did I use my automobile during that time.

FURTHER EXAMINATION BY MR. IGGE.

340 I do not remember when I received information that hardware stores had been broken into, it was either that night or the next morning. It seems to me I heard they were broken into sometime in the afternoon. I could not tell you what was talked over on our way from Carbondale to Marion.

341 The reason we went to Mr. Duty's office was to talk to Col. Hunter. When we arrived in Marion we separated and agreed to meet later on in Duty's office.

342 I testified for the defense in the last trial. Before going on the stand Judge Meeley or Judge Stone asked me in regard to Hugh Willis being here that night, in Duty's office on the 21st.

343

There was present, also, Col. Hunter, Mr. Davis, Mr. Thorton, Mr. Storme, Mr. Duty and one or two others.

I did make an effort to find out who killed the Union men.

I have not talked with a living soul about what my testimony was going to be.

A few days before the massacre, Col. Hunter told me that he thought troops would be needed. I made two trips to the mine with Col. Hunter.

FURTHER EXAMINATION BY MR. PIERCE

Page 345

These hardware stores were located in and about the square, near the Court House, one right next to the State Attorney's office and one on Main Street. I knew these hardware dealers personally because I had traded with them but never talked with them about the raids. I found out either that evening or the next morning that these hardware stores had been raided and the guns taken. I learned that the mob consisted of 15 or 20 men none of which were masked. The hardware store men subsequently failed to identify any of the mob. I do not believe any of them were indicted. The hardware store proprietors were served with subpoenas either by me or the other deputy. It is my opinion that the men forming these mobs are still at large.

Page 347

FURTHER EXAMINATION BY MR. RICE

Before the day of the final killing I went to Carbondale with the sheriff and States Attorney. We had learned something about some men being shot in a truck near there. On our way back from Carbondale we stopped at Carterville about four miles south west of Herrin for a few minutes to look at the truck. Returning from Carterville to Marion we passed within two miles of the Lester mine. While at Carterville we heard rumors that there had been some shooting at the Lester mine. At that time it was night and we decided to come in. Possibly it might have been good policy to go to the mine then. I do not believe I was separated from the sheriff that day until we went home at midnight. While in Duty's office that evening, Colonel Hunter told us the understanding was that they were quieting down and the miners were coming out and that they would shut down the mine.

Page 348

Page 349

Page 245

any more than I was to assist. We both assisted in the morgue and hospital that day. It was sometime between 4 and 7 or possibly 8 when we returned to Marion in Mr. Thaxon's car.

Page 246

Leaving Marion for the mine that morning, Colonel Hunter Major Davis, Mr. Thaxon and I left together, and after leaving the mine we took Colonel Hunter and Mr. Davis to the car line where they got in another man's car, and Mr. Thaxon and I turned and went back to the power house where we picked up the bodies. After the bodies were placed in the morgue and we visited the hospital we walked around on the streets and talked to different people about the trouble there and tried to keep things quiet and not have any more excitement. I knew lots of people there but cannot now recall any to mind. We had supper on our return to Marion but I do not know the exact time. On our return from Harrin we passed through Energy or Bainbridge. As a rule it takes us 40 minutes to travel over. We did not talk to any people on our way over.

Page 247

Page 248

Page 249

Page 250

The only members of the Lester mine I knew were McDowell, Mr. Delaney and his chauffeur. I was casually acquainted with Mr. Shumaker and some of the guards. I saw nobody at Harrin the afternoon of the 22nd who was connected with the Lester mine. As I recall it was the next day that we had two of them there. I understand two men came to the jail for protection who stayed until the 23rd but I did not see them.

FURTHER EXAMINATION BY MR. MOORE

Page 251

About 9 o'clock P.M. of the 21st while in Duty's office I heard a big explosion. My judgment is the lights were out at that time, but I could not say whether they were out all the time we were up there or not. My judgment is they were out on the square, too. My judgment is I heard two explosions but do not know what was blown up. Some one commented that they heard an explosion, but do not remember any conversation about it.

It is my judgment now that the lights were out before the explosion occurred. It was about 9 o'clock.

Page 253

I don't know what Mr. Duty or any of the rest of them was doing or what their conversation was while the lights were out. The lights receive their current from Harrisburg, which city also furnishes power for the Lester mine. I have never learned that the lights in Marion and Herrin were out because the mob had cut the power line over at the Lester mine. It is not unusual for the electric lights to go out. I did not try to talk with the Lester mine that evening. In my judgment Hunter's telephone conversation occurred in the dark.

FURTHER EXAMINATION BY MR. PICKER

Page 254

Explosions are not common, although we have an explosion occasionally at the mine. It was not of such a nature as to shake the buildings. Both explosions were of practically the same degree but I could not tell in what direction they came from. I might have talked about the possibility of their coming from the Lester mine. Whether the explosions occurred before or after Hunter's telephone communication to Black, I do not know, although it is my judgment the telephone call was not until 11 o'clock or after.

Q. If they (explosions) were before that and you heard Colonel Hunter tell General Black that everything is quiet here and peaceable and no necessity for troops, did it not occur to you that things might not be so quiet as he was telling the General?

A. I don't think I heard him tell him that everything was perfectly quiet. I think I remember hearing him say that troops would not be needed, that there had been some kind of an arrangement made and troops would not be needed.

Page 255.

My judgment is that he (Hunter) told him (Black) that they had made arrangements to come out of the mine next morning. They were going to put up a flag, were coming out and did not think troops would be needed.

FURTHER EXAMINATION BY MR. MCCARTHY

Q. Did you ever talk with anybody who was present at the time they undertook to surrender and come out of the mine?

A. In the hospital some of them talked about it.

I cannot give you a name of a person who was present at the time the non-union miners surrendered and undertook to come out of the mine.

MR. STONE: The only witnesses we found were those who arrived after the surrender, who picked up some ammunition.

Now, as to the lights going out: I am Attorney for the C. I. P. S. Company and I was advised at this time that the trouble was at Carrier Mills and the lights were off from 9 until 10.

Page 257.

MOSE BORN

Called as a witness before the committee having been first duly sworn, was examined by Chairman McCarthy and testified as follows:

My name is Moses Born. I am a farmer and dairyman and reside four miles south from Court House. I have lived in Williamson county all my life. On the evening preceding the riots I was in the city of Marion.

I had received a call from Mrs. Bassinger at Marion, who asked me to tell her two sons that their cousin Guy Hudgens had been shot at the mine and if they wanted to see him, to come at once. I then brought the boys to town. We arrived about 8 o'clock, parted by the Greater Marion Association, and the mob was so congested we failed to get the car out until 10:30. The lights on the square were out at that time and it was common report that nobody was in the sheriff's office.

Page 258

FURTHER EXAMINATION BY MR. LOOE

From 8 to 10:30 I saw men and boys about fifteen years old carrying guns across the square. I had a man come up and ask me if I had a gun. They had no guns and in order to pacify those fellows I said, "it would be nice to let you have my gun and go around without one myself." Then they said, "lets get McLaren." One went to a ford which was parked near and asked a woman, I suppose it was his wife, to give him a gun, and she gave it to him, and he went to the court house and then on down across to McLaren's home. The mob forming across the court house square then went to McLaren's home and part of the mob went to East Allen Avenue. There was also a mob of about fifty men in Judge Hartwell's yard, which was right near the Coul boys' home, who are mine owners. I did not go to McLaren's home.

With me were Lee Bassinger, W. E. Delaneus and my youngest son. That evening I was talking with Mr. Earl Jackson and his assistant cashier, Glenn Gullledge. We were standing in front of their bank and one of the city officers, the night sheriff of police, come up to a bunch of fellows and he says, "you got two damn scabs in jail, now is your time." The men went toward the county jail and Mr. Jackson and I walked down West Street to the undertaking parlors, but nothing transpired and they soon left the jail. Quite a number in this mob carried guns. I knew their faces but not their names; they belonged right here in Marion.

My farm is situated 12 or 15 miles from Herrin, and about the same distance from the mine. I didn't hear a great deal next morning because at that time I come into town very early with my milk and was back home by 7 o'clock, and I worked at that time for the lumber company.

Q. Now, what happened during that day of the 22nd?

A. Well, coming in from work that day we met Mr. Thaxon and his first deputy John Shaeffer out in a lane near my place. They were not speeding. The road is the cut-off to the main road. The men working with me drove with me. We met them and passed them when we came back.

Page 262

This cut-off is only used by farmers who live around there. I should say this was about 3:30 in the afternoon. I first met Thaxon eight years ago, riding with him in his campaign to see some Republicans in my voting precinct. I know the sheriff real well.

Some of the business men tried to get me to say I didn't see him, that I didn't know the sheriff, but I think I do.

Page 264

A. F. RICHARDSON

Called as a witness before the committee having been first duly sworn, was examined by Chairman McCarthy and testified as follows:

My name is A. F. Richardson. I am a night policeman in Herrin, Illinois, where I have lived for the past twenty-four years. Previously to January I was a carpenter for about a month and before that I was deputy sheriff of Williamson County. Melvin Thaxon was the sheriff. My duties was that of field deputy. I went to work July 14, 1921 until Thaxon's term expired in December, 1922. It was on Monday the 19th of June that I knew anything about any trouble at the Lester mine. I heard that they were working there and that there were armed guards present. It was generally known that the people here did not exactly like the fact they were attempting to operate a non-union mine in a strong union mining district.

Page 265

Armed guards stopped me on the road near the mine on Monday. Two of them stopped me who had a Winchester and a pistol buttoned on each side. This was about 2:30 or 3 o'clock. I heard a blow-out in one of my tires and I stopped to fix it on the business road west of the office and the guards were on the road west of me.

I got out of the car and started to jack up my wheel and fix it and ^{they} ~~the~~ up and told me to move up the road, and I had my coat off and when I raised up they asked me who I was. I had a star pinned on my shirt and I told them, and one spoke up and said, "I don't give a damn if you are the president of the United States; move up the road." However, nothing further was said and I fixed my car and went on home. I didn't report this incident to anybody.

On Tuesday I got a day off to work on the farm, which is located about 12 miles south-west of here. I did not tell any of the men in the office where I was going. There is no telephone on the farm. I was up on the farm all day Wednesday.

It had been rumored that a taxi driver had been held up out there and it was generally known they were making people go out the detour instead of over the regular road, but I did not report this to anybody. I did not feel it was my duty to report a matter of that kind, and I didn't report it to the sheriff because I never saw him. I believe the next time I saw him was on Thursday.

Even though I heard general rumors on Sunday and Monday about the dissention of this mine being operated I did not figure there was going to be any trouble.

On Thursday, the day of the killing, I saw sheriff Faxon about 9 or 10 o'clock in the morning on Monroe between fifteenth and fourteenth in Herrin, and from there went with him to where the bodies were taken to. I don't know where I spent the rest of that day.

FURTHER EXAMINATION BY MR. RICE

The Sheriff told me what had happened when I met him at Herrin Thursday morning, and he asked me to go with him as one of his deputy sheriffs. We went to the building where the bodies were, got a rope and stretched it through the building to keep the crowd back. Then I stayed there all day around that building to keep the crowd back. There were about 17 or 18 boys in this tile block building, which had been vacant at fourteenth and Monroe.

Page 273

I was present when the undertakers brought some of the boys in. The sheriff left me in charge there and I do not know what became of him. I also saw deputy Shaeffer there.

FURTHER EXAMINATION BY MR. MCCARTHY

Page 274

I went to my home near Herrin about 8 o'clock on the morning of June 22nd, where I remained probably an hour, after which time I went to the city of Herrin. My home is about a mile due west from the graveyard. There were a lot of people up town when I got there, some of which I knew but I did not see any arms. There were more people there that morning than was customary. I do not know the reason this large crowd was assembled even though I heard 24 or

Page 275

25 people were killed that morning. I don't remember who told me about the killing. I never heard a thing about it until I got into town, I got this report before I met the sheriff, whom I met about 9:30 or 10, after which time we went down to where the boys were at.

Page 276

I had been in town thirty minutes before I went to the morgue and some of the boys were being brought in after I arrived.

Q. You do not know of a single act that you did that you can tell this committee that the men who committed these murders might be brought to justice?

A. (No Answer)

They had a grand jury here finding out. I do not know of a single thing that I did that I can tell this committee to bring the people responsible for these murders to justice. After hearing of these murders being committed there was no use calling up the Sheriff because Joe Golden told me the sheriff was in town. The only thing I remember the sheriff telling me was "we will go down here and keep the people back and then you stay here with them."

The sheriff was only with me about an hour or two that day, after which he left and I don't remember whether I saw him after that or not.

FURTHER EXAMINATION BY MR. IGGE

I am at present one of three night policemen in Herrin. Previous to that I had been deputy sheriff fifteen or sixteen months. I could not say what my duties as deputy sheriff were except I done my duty. I knew how to serve papers and such as that.

My duties as night police officer are to support the Constitution of the United States, but I do not know what the Constitution of the United States is. I have heard about a Constitution of the State of Illinois and have heard that supporting the City Ordinance in which I live are part of my duties.

When a crime is committed I tried to find out who committed it. I have talked with bunches that constituted the mob and also business men who committed these crimes but do not recall their names. I was not out to the Strip mine on the day of the killing.

I rode to the city of Herrin on the morning of the 22nd in my automobile, having left my duties as deputy sheriff about Tuesday, June 20th to go to the farm. The reason I stayed on the farm two nights on this trip was because my wife was there canning berries. She came back to my home near Herrin with me on the morning of the 22nd. I came to the City of Herrin via Stockton Street from the South-west corner. The reason I went to the morgue that morning was because I saw a crowd of people there and heard them say there were dead bodies there. The Sheriff and Mr. Shaeffer arrived about 20 or 30 minutes later. I did not learn at the time where the bodies were brought from. I testified for the defense in both trials.

The plan was also agreed upon at that time to go out to the mine the next morning. As I remember now, the sheriff and I went to Mr. Duty's office to talk matters over.

FURTHER EXAMINATION BY MR. PHILLIPS

I believed it was reported there were 80 non-union miners at the Lester mine and about 25 or 26 guards. I do not know whether these men were promised safety after surrendering or not, nor how they were to be escorted out. The distance from the Strip mine from Herrin must be about five miles.

FURTHER EXAMINATION BY MR. MCCARTHY

I know of no arrangement being made in Mr. Duty's office on the night of June 21st, whereby the men were to be taken out at day-break. No special time was mentioned. The only time I remember mentioned in connection with that was "The next morning."

The Committee Met pursuant April 27, 1925
to adjournment 9 o'clock A.M.

John A. Schaffer

Having been previously duly sworn
resumed the stand for further examination
and testified as follows:

FURTHER EXAMINATION BY MR. MCCARTHY

I saw deputy sheriff Richardson in Herrin on the afternoon or evening of June 22nd. I don't know whether I saw him on the 21st or not, nor on Tuesday. I had been helping to get the boys to Herrin from the power house woods and I should judge I arrived in Herrin some time between 10 and 12. The boys were taken to a temporary morgue at Herrin. After lunch I went to the hospital where the wounded men were. Mr. Galligan was with us part of the time and I was with Sheriff Thaxton most of the day and returned to Marion with him that evening. I don't remember where I saw Richardson that day; it may have been on the street near the morgue but I could not say what I was doing. I don't know of any instructions the sheriff gave me on the day of the killing,

FURTHER EXAMINATION BY JUDGE PIERCE

Page 283

I did not go to the vicinity where these crimes were committed the following day and speak to the neighbors about it. Although in a general way the killing was said to have

Page 284

occurred back of the power house woods. I afterwards learned that a part of the crowd in Herrin that morning was a part of the mob. I furnished no names of witnesses to the Grand Jury.

Page 285

I did not visit the cemetery on the morning of the 22nd although I heard some people had been killed near there, because they had them already in town before I heard it. I don't know which bodies were brought in first, but I think some bodies were brought in

Page 287

after I got into town. I did not see members of the mob, while those bodies lay on the floor there, take cigar stubs and attempt to thrust them in the mouths of the dead men. I was on the outside keeping the crowd back, but they were allowed to walk through the building on the side. I did not think they ought to be kept out. I did not know it was the duty of the sheriff and coroner both when a man has been murdered, to keep the crowd away until an autopsy can be made concerning death.

Bewitt F. Hartwell called as a witness before the committee having been first duly sworn was examined by Mr. McCarthy and testified as follows:

My name is Bewitt F. Hartwell. I reside at Marion, Illinois and have all my life. I am one of three Circuit Judges of the First Judicial District, having been such since June 1915. I went to Metropolis to hold circuit court on the 19th, if that was Monday, at 8 o'clock. I held court in Metropolis on Monday, Tuesday and Wednesday. I arrived back in Marion at 6:45 on the Illinois Central. My wife met me at the train, as she generally does, and I went home to supper. We call it supper here. And she began telling me what all she had heard. All the information I knew when I came back was from her as to what had taken place. I did not know of a bit of trouble until I got home and she didn't tell me what had taken place. She told me of the rumors so I came up town. The square was well crowded when I came up town. Lots of people and apparently lots of excitement. I came up in my car and drove around in my car. Every time that there would be a collection of persons go down a street, the whole crowd would follow. I did, too. I followed around this crowd until finally I said I was going to try and see what I could find out. I asked several persons what was on, what had happened, what was the outlook, was there anybody doing anything? And the first information I got was the rumor there were 5 or 6 men killed who were not employees of the mine. I didn't hear that anybody was killed and the next thing I heard there had been one-half dozen. You could hear most anything in the world about the number being killed and I couldn't find anybody that knew any more than I did, and everybody was telling what they had heard, so then I started to hunt the Sheriff. I went down to the jail where he lived and I could not get any information, where he was until after I started to go away somebody said: Maybe you will find him in the State's Attorney's office. I am getting ahead of my story.

The reason I went to the jail, I met Hugh Willis and Will Davis of Herrin. I do not mean Major Bob Davis. I mean one of the officers of the miners' union. I had known Hugh Willis a good long time and have known

Page 289

Page 290

Davis only by name, and I was noticing in Mr. Duty's testimony yesterday he remembered it a little differently than I did. I am satisfied I went to Duty's office with Bill Davis and Hugh Willis. They asked me if I could direct them. I had found out from somebody at the jail driving by there that the Sheriff was not there, that he was with State's Attorney and after I got out of my car and met Hugh Willis he asked me if I could direct him where he could find the Sheriff, and I told him, yes, I could. A carpenter with me, named Willis Bond, and we were just walking around when we met Hugh Willis. He asked me where he could find the Sheriff. I said I think I can locate him for you. Mr. Duty's office is over there. Duty thinks we all came up with the Sheriff. I know that the Sheriff was there when I got there. John Schaffer was there and Storms was there and Duty. That makes no difference. The reason I know that is because I had looked for the Sheriff and couldn't find him. I had no business except to inquire what was going on, what was being done and who was at fault. So Willis and Bond and myself went up in the office, and Davis, and when we got up there, as I remember it, there had been some, for some reason, the lights went off, and we waited there for the lights to come on. I don't know why they were off. And there was some inquiry: "Who is it anyway?" and I announced to Duty it was Hugh Willis, Bill Davis, myself and Willis Bond, and Willis said to the Sheriff that a rumor, he says, has come to our headquarters at Merrin that the Business Men's Association here at Marion, had been in communication with Lester and we have it that Lester has been induced by the Marion Chamber of Commerce to close the mine down. I do not know who it was telephoned it, but he understood that the business men of Marion had induced Lester to close his mine, to cease operations. And I asked him where the business men were now. He didn't know anything about that, but that rumor he said had come to him and he, as one of the officers, had come over to see the Sheriff and tell him about it. He told the Sheriff he was willing to go with him out to this mine and disperse that crowd and to take enough fellows out there to get the crowd dispersed.

Time

It was the first I knew that. It was a dangerous crowd, and the Sheriff said: "Well, do you think we better go tonight or in the morning?" And Willis said: "I don't know. I will leave that to you." And then I think Mr. Duty said: "Well, wait a minute. Let us get Colonel Hunter over here." And Willis wanted to get Colonel Hunter. Duty did some telephoning. I

don't remember much about how long it took, but Buty called and after while he came and then I had heard about this firing into the truck for the first time while I was sitting there. As I remember it, while Hugh Willis was talking about the Marion Chamber of Commerce, having communicated with Lester and that they ought to go out and stop this assembling of people; I got talking with John Schaffer or Storme or somebody and asked them to detail to me what happened on this truck and I didn't hear all that passed between Hugh Willis or anybody else. I would talk to one fellow a while and another a while. I didn't hear anything that everybody said but I remember Hugh Willis' statement to me why he wanted to find the Sheriff, remembered taking him there, remembered announcing who was there and announcing he wanted to talk to the Sheriff and Colonel Hunter and heard him state his business. I come in on the train, been at home, been around the square two or three times, rode around in the automobile. I thought 9:30 or quarter to 10, the way it struck me. I may be mistaken about that. I did not hear anything between Colonel Hunter and Hugh Willis if there was anything. I did not hear anything further until I heard Hunter talking on the phone. I did not hear what he said to General Black. All I remember hearing what he said is that it looked like the thing was under control. I did not hear him say a word about troops and do not remember anything about troops. I did hear him say that the condition was quiet and looked like it was all over or something to that effect. That is the way I remember it. Hugh Willis said that word had come from Marion to him that Lester was willing to quit operating and that he, Willis, had come to see the Sheriff about the matter and that he, Willis, thought that they ought to go out there and they talked and Willis said he thought that who ever was out there ought to be sent away and keep the crowd from gathering.

I don't say Mr. Buty discussed it; I meant Hugh Willis. The Sheriff, as I remember it, asked him if he thought they ought to go out at night. I am not certain whether he asked the Sheriff or the Sheriff asked him. Who ever it was, he made the reply that it might be well to get out at night, he thought we ought keep any crowd from collecting or any men from collecting. I don't remember when. That is the first intimation I knew where there was a crowd collected as there had been. My wife heard they were fighting some where. It was apparent from what I heard that there was trouble expected

at the Laster Strip Mine. I gathered from the conversation that there had been some miners killed and because of that, that there had been some fellows collected there and that the Marion Chamber of Commerce wanted to disperse whoever might be there. I never heard there was a great crowd. I heard there were people there, and that trouble might come. I heard them tell me about the Garbondale matter and I asked the Sheriff: "Where have you been?" He said: "I have been to Garbondale. I didn't know anything about this collection until I got back." I inquired of him: "Where were you?" I thought it was settled myself and I thought Colonel Hunter and all of us thought it was settled. I thought the Marion Chamber of Commerce had settled it and I thought Willis was going out there to keep any further organization of a crowd. He did not want the crowd to get so big that it would destroy property. I think the Sheriff also asked Willis: "Do you think we ought to go tonight?" And they later agreed to go next morning. I can't remember why they did not go that night. I heard Willis say: "I do not know whether we ought to go out in the dark or not." I think he meant this: That the Sheriff get men and take the men out and see members of the miners' union and do their best to disperse the crowd. That is the way I understood it.

Afterwards I found out there was somebody at the house and wanted my guns, because they knew I was a hunter and had lots of them.

Further examination by Mr. Igou.

A crowd of 15 or 20 congregated in my yard that night but when I got there they left. They were in everybody's yard all down to Second Street, where McDowell lived.

The square was filled with people and I knew pretty nearly every one I saw. I heard some men say: "They killed the damn scabs." I heard nothing said about two scabs in jail but I heard some say they had shipped coffins out there to put away men that had been killed, union men.

I also heard that Fontanetta had drawn a gun on Hirtington and that he told Hirtington he was going to kill him and I heard that some of the Chamber of Commerce men had been abused. I didn't hear of any local stores being broken into the following morning.

you could see the crowds from Mr. Duty's office, but whether he saw them or not I don't know. He had his blinds all drawn and half the time the lights were out. As I remember I went to Duty's office about 9:30 or 10:15.

Page 298

After I heard the report that 5 or 6 or 15 men had been killed I went to the jail to look for the Sheriff, but could not find him. Mr. Willis was at the jail looking for the Sheriff when I arrived. Willis was a defendant at the trial, and I believe he was present all the time in Duty's office during the conference.

Q. And there was a suggestion made there (conference) by Mr. Willis that he and the Sheriff with some deputies ought to go to the mine that night to disperse the crowd?

A. That is the substance of it. I don't know whether he said that they ought to, but I know that he inquired if he did not think that ought to be done and expressed a willingness to go himself.

Willis did not say whether he had been at the mine or not. I don't remember at that time of Duty using the term: "Wait a minute and I will send for Colonel Hunter." The way I view it, part of the time I would be in close consultation with John Schaffer, asking him about it, sometimes over there talking to Thorton. I was trying not to make any noise to disturb Hunter. Before that time I was asking questions of everybody to see if the rumors were true or not.

Page 299

Hunter was talking on the phone. I was not paying attention to his phone call. I know they sent for him but when he got there he had a phone conversation. I did not hear him say anything about General Black. I did not hear him say anything about troops, but he said everything was quiet and would soon be over. I did not request Mr. Duty to send for Colonel Hunter but I think Willis did. The impression I got, there was a dispute as to whether they would go tonight or whether it would not be time to go in the morning and they finally agreed on that time, to meet each other and go early in the morning. I remember asking the Sheriff this question: Sheriff, what are the conditions? Can you get out there tonight or do you think it will be all right to wait until the morning? Those things I remember asking him, that I wanted to know what he thought about it. If he should not take somebody and go out that night. I wanted to know if he thought that would not be the best thing to do so then I told him if he knew what the conditions were out there he would

know better how to answer that. He asked me what I thought about it. He said if I knew somebody at there I would know how to answer you. "Do you think you can get that off until morning?" Everything seems to be quiet out there. It seems to be arranged that Lester will shut down the mine and that the fellows that had been concerned about the killings would go away." So I went home feeling I thought that probably it would be early in the morning they would be out there and would disperse the crowd and the thing would be settled. I went home feeling all right.

Page 300

The Sheriff claimed he didn't know anything about the situation at the mine. My impression is that they agreed to meet early the next morning. I did not hear any explosions while in Mr. Duty's office. I was down the street talking with Harry McGready, Superintendent of Peabody Mine, if he thought of any danger, of anything I could do, and while talking to him I heard an explosion that sounded to me like in that direction, but that was before I went to Duty's office. It sounded as though the explosion came from the direction of Lester Mine. We left Duty's office, my impression is at 12:15 o'clock and the reason I have the impression so accurately at 12:15, I think I got into a discussion with a fellow about our watches and it occurs to me that the Sheriff and Hugh Willis in fixing the time, were asking about what time it was now or when they would meet and I took my watch to see whether they had the same time as I did. They were fixing the time to meet the next morning. I don't remember where the Sheriff was to meet Mr. Willis before going out to the mine the next morning. Mr. Willis thought it would be well to go out and disperse those men. From the conversation I gathered the impression that there were persons at the mine other than guards and workmen. Mr. Willis is a Board Member of the Mine Workers' Union.

Page 301

As I remember the time of Hunter's telephone conversation it was any where between 10:30 and 11:30.

On the morning of June 22nd I went up to the Greater Marion Association and I met Colonel Hunter and I told him all these rumors I heard. He had heard them, too. I did not believe it. I asked him if he knew and I got to doubting it, and told him I doubted it, and I do not believe that is true. Somebody has magnified that. And he said,

"Let's you and I go out. We can tell then. Mr. Wm. H. Warder came up the stairs and I told him what I doubted about and he told me he thought it was true and he said he received some information he did not feel at liberty to divulge at this time, and I saw he was greatly excited over it and I said, was it true, and he said he feared it was. Mr Warder is a lawyer here and an old man but an old lawyer. We all go to him for advice. Colonel Hunter and I did go out too, but every time we would start out the telephone would ring. We were a long time getting started. Oldham Paisley, newspaper editor, Colonel Hunter and I remember it. Major Davis. I am not sure about it. We went to the mine and we could not get in, and there was a string of cars from Marion to Cartersville, both sides was a straight string of cars lined. We did not get to go up to the mine. I saw the house burning and I asked some fellows if there were any dead men there and they said no, but they had taken them away, and I said: "Colonel, let us go until we find it. I want to see what has happened." We went on then to the power house and we met some fellows saying they saw a man hanging and they said they are all gone, and I said: Where. So we got into the automobile and went to Herrin and I went out and saw it and got on a telephone and told Mr. Warder somebody had been killed and there was trouble but not anything like this.

The only attempt made by local officers to conduct a prosecution of persons of any crime before the attorney general came down was what Mr. Duty and I had in mind. I remember shortly after that day, I saw a copy of the Chicago Tribune or other papers and every day there would be one more day added and nothing done in Williamson County, so I drove back to Herrin with Duty and he had the statements in his pocket and he let me read what some of the men had told, and I took the memorandum and I had gathered all the information I could gather and we came back together and Bob Medill, Director of Mines and Minerals, was there and then I lost Colonel Hunter. But following up this conversation, Duty came to my office and wanted to know what he and I could do about a special grand jury, and I said: Have you anything you want to submit. He said he did not think that they had anything yet to submit but he wanted to know if I would call a special grand jury, if I could be relied on. I do not think I put it in that way.

will call a special term of the Grand Jury in the May Term or July Term. The Grand Jury terms are February, September and May. And I remember him coming to see me and Brundage, Duty and I and Judge Duncan had conferences about the matter, being told in the newspapers that nothing was being done. Finally, I do not know how long after that it was, Mr. Brundage came down and they had that conference. I told him what I would do. He feared he could not get one. I told him I thought I could and there was a lot of things done to get a grand jury and get a good one. I called it. I had this arrangement made with Duty and when he told me that they were ready, I would call him. Then he told me he would like to have it for the first day of July term. We had the term and you will see it on the records now, that there was a crime committed in the county and a special grand jury of 25 members was ordered to report on the second Monday of July. Two or three days before that Duty came to my office and showed me a letter from the Attorney General and he said: "We are not ready to present this evidence yet. Will you allow us to take the jail cases up first and let us conclude these examinations and will you call another one?" And I said: "Yes, I will call a dozen for you." The grand jury met and I did not tell the man in charge of the jury they were not ready. I did not want to tell him. The prosecuting officers told me it would be advisable to state that we were not ready and I remember very well a good deal of criticism I received by telling the Grand Jury men to take it up.

Page 304

I followed the Attorney General's suggestion and I told the Grand Jury to take up the jail cases. I told them I had called them for a purpose of fixing responsibility but those in charge of getting up the evidence were not ready. I did not mention Brundage's name or Duty's name but that Grand Jury went on and finally they told me they were ready and I made an order of the day they were ready. Then I went to the Sheriff. Duty had been to him and he wanted me to let somebody else call the Grand Jury for the reason, as you well know, I do not know that the practice is elsewhere, but here in our county the Grand Jury has a regular term, but as a special Grand Jury the Judge makes order and they give it to the Sheriff, and I told the Sheriff: "I have not any-

being personal against you. I am not afraid out what you would go out and get a good grand jury. but the whole bunch of us and everybody down here is supposed to be in on this thing and if I were you I would not insist on serving this grand jury. If you did not get indictments, they will lay it on you. If I were you I would let somebody else handle it." As I remember it, there were some sheriffs agreed on to serve the jury. The Attorney General did not want to give the Sheriff a list of witnesses to serve. Duty did not want it either and Duty and I both talked to the Sheriff. The second Grand Jury was called on August 23rd.

Further examination by Mr. Pierce.

Page 305

If I remember right Colonel Hunter and I and these other gentlemen left for the mine, sometime around 11 o'clock on the morning of June 22nd. I asked Harrington to telephone my wife I would not be home for dinner. Colonel Hunter had been out there before. I did not think he had. I have said this about Colonel Hunter and I want to explain it. I said when I heard he claimed to have been out there that morning. I said it was not so, that I went with him. I did say that he did not go out because I went with him but I found out later he went out before I went out with him. When I went it was too late an hour for a man to know anything about this thing. I knew he couldn't know anything about it and go out with me, but I learned later he went out before that. That noon we had dinner or lunch in Bob Medill's room in the Lymore Hotel. Bob Medill is an old friend of mine and Colonel Hunter and Bob Medill and I had lunch there. I ate, and I think he did, and I went down again and ate at an Italian place, Joe Weldoni. I believe it was about 11 o'clock when we arrived in Merrin.

Q. I have before me a record from the telephone office here, "Call by Hunter to General Black." Time of the call 11:02 A.M. time talked 11:25 A. M., Marion. If that talk took place then it must have been later than 11:30 when you left there?

A. If that is the record of the telephone office I am mistaken. Oldham Paisley told me that Colonel Hunter had been out early that morning to the mine. Somebody said Hunter had stated when he got out there he got out before men were killed or right afterwards. I said that was

Page 306

not so. He went with me. Oldham Paisley, who had gone with us in the automobile, he corrected me and said: "Yes, he went out with us and he went before you, too." I have said that is right. I am mistaken. State Attorney Duty accompanied me back to Marion.

William H. Warder
called as a witness before the Committee,
having been first duly sworn was examined
by Mr. McCarthy and testified as follows:

Page 308

My name is Wm. H. Warder. I reside in Marion, Illinois. My occupation is that of a lawyer, having practiced law in this city a little over 41 years.

On the evening of Wednesday, June 21st, I was called, together with some other men, relative to the tense situation at the Lester Mine. I was in Chicago on Tuesday, reached Marion about 9 o'clock Wednesday morning, the 21st. Had an urgent matter that took me out in the country beyond Johnston City and kept me out so that I arrived at Marion at 4:30 or 4:35 on this Wednesday. I went to my office and some one, I think an employe in the office just back of mine, told me that I was wanted at once at the room of the Greater Marion Association and I went at once. There were present there Colonel Hunter, Mr. McLaren, Mr. Hixington, Mr. Ralph D. Mitchell and Mr. Hix. I judge it was about twenty minutes of 5 when I reached there and I hurriedly asked one of those present what the occasion of my being called was. Excuse me, there was another gentleman, let me add Mr. Charles Hamilton was also present. It was explained to me what the call was and I was talking to one of the gentlemen to get at the situation and had only been there a few minutes when I first talked, because an answer, a call came in answer to a long distance call. Colonel Hunter talked. I could only hear one side of it. "Hello General: In substance he said that there is a report that two of the union miners have been killed and three wounded and that some men inside have been wounded. Have not been able to get in touch with the Sheriff. Sheriff and State's Attorney are out of the city. Have not been able to get any action taken by any one at his office." (Pause) Some few words added, as far as I can remember. Did not materially change the report which was, as I understood, I do not know, a report to the Adjutant General. This occurred between 4:30 and 5, in my judgment nearer 5 as well as I remember.

Page 309

I might not have the exact time. There was a hurried conference held and a call put in by Major Hunter for the Southern Illinois Coal Company mine and as I understood, he got McDowell on the phone. He told McDowell that he should agree to cease the operation, put up a white flag and that he would try and have somebody come out there and get his men out. Apparently there was a demurrer, a quiet objection of some kind, repeated by Major Hunter. He wants to know if we can put him in touch with Lester. Mr. Hamilton stepped over to the phone and told McDowell to agree to that and after the words were repeated, I think, by Colonel Hunter, Mr. McDowell agreed to put up a white flag and that he would cease the operation and get his men out. Colonel Hunter then put in a call for Hugh Willis at Herrin at the Miners' Headquarters, but as I gathered from the words he repeated, could not get Hugh Willis. He stepped out, but he got Fox Hughes who is a district officer of the union. I do not know the exact talk but he told him that McDowell had agreed to cease operation, put up a white flag and for him to get some men, go at once and meet them and get the men out. And Colonel Hunter urged that he should go at once. We discussed the matter, each of us saying something in regard to the proposition and that it was very important that they should be gotten out before dark. The situation was recognized as being a very serious situation by all those present and by the statements which they made, which I might detail but could not be accurate on, but that was the effect.

I stayed there until about 6 o'clock, then went to the State's Attorney's office at the southeast corner of the square. Found a young lady there and she reported that Mr. Duty was out but she was looking for him in. I stayed there about 10 minutes. I left there at 20 after 6. The reason for me knowing the time, I asked the young lady if she had had her supper. I said it is 20 minutes after 6 and you had better get supper. If Mr. Duty wants you, you can come back, and I left and went home. I got supper and as I came out after 7 or a little after, a body of men were marching down and I could hear some noise across to the east of me, a block or two. Some others went further south, as I remembered in the direction of McDowell's home, which was south of the square and I would judge it must have been something like half after 7 when I came back up town and went to the Greater Marian Association office and found the Secretary and as far as

I remember, one of the others that I have mentioned, present. I went down on the street, talked with several. There were a large number of people around on the square, a good deal of confusion. A large measure of feeling of helplessness under the circumstances, and knowing that my wife and daughter were alone, I went back home, probably about 9 o'clock. I knew nothing of the meeting at Mr. Duty's office until I heard about it the next day.

I heard two heavy explosions that evening between 8 and 9 o'clock. The lights went off a few minutes before the explosion or a few minutes after, I do not remember. Both these explosions were out of the ordinary and unusual.

Further examination by Mr. Igoo.

My impression is that the noise of these explosions was from the northwest, where the Lester Mine is located. I believed that it was the strikers with dynamite.

On the night in question there appeared to be a feeling of helplessness in town. A mob was marching around and there was the feeling that a large number of our citizens were really in sympathy with the mob and a further feeling that the officers were not so organized as to cope with the situation. I saw no signs of any concerted effort on the part of the officers to cope with the situation. My opinion is that in connection with the mine officials and an organization of men that could have been called in, that the situation could have been handled after that truce was agreed upon. I mean officials of the union. I refer particularly to one Hugh Willis and those who were joined with him as officials of the union mine workers. My belief is that they could have carried out the truce if they had been at the proper time fully submitted by lawful authority. I did not see Sheriff Wharton or Officer Thornton on the square that day. Colonel Hunter was attempting to do all he could in order to prevent this impending trouble.

Further examination by Mr. Pierce.

I do not recall Colonel Hunter asking for troops but he did say some men had been killed and another wounded at the Strip Mine. I don't believe he said anything about the truce because my recollection is that this arrangement was made after that particular conversation over the phone.